



C.R.P.No.726 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.726 of 2026
and CMP.No.3792 of 2026

S.Gopinathan

... Petitioner

VS.

R.Panneerselvam

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the Civil Revision Petition and set aside the order passed on 28.08.2025 in I.A.No.5 of 2023 in O.S.No.462 of 2022 on the file of the Court of the Additional Subordinate Judge, Namakkal.

For Petitioner : Mr.S.Balasubramanian

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking appointment of Advocate Commissioner.



C.R.P.No.726 of 2026

2. The respondent herein filed a suit for recovery of possession in respect of two rooms in RCC building situated in S.No.157/13 in Periapatty Village, Namakkal District.

3. The petitioner who was arrayed as defendant in the suit filed an application seeking appointment of Advocate Commissioner mainly on the ground that the respondent is trying to alter the physical features by removing the superstructure and the trees available in the suit properties and the trial Court dismissed the application. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would submit that when there is an allegation by the petitioner that the respondent is attempting to alter the physical features, the trial Court should have appointed the Advocate Commissioner to note down the existing features available in the suit property.

5. The suit is for recovery of possession filed by the respondent. He has to establish his right over the property and to decide the entitlement of the respondent to recovery of possession. Hence, the appointment of



C.R.P.No.726 of 2026

Advocate Commissioner is not at all necessary. The suit property has been properly described in the plaint filed by the respondent and the petitioner has not filed a suit or application seeking injunction restraining the respondent from altering the physical features of the suit property. In the absence of such prayer, the appointment of Advocate Commissioner to note down the existing physical features is not at all necessary and the same will not help the Court to decide the real controversy.

6. I do not find any error in the impugned order passed by the trial Court, Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
ub

To

The Additional Subordinate Judge,
Namakkal.

3/4



WEB COPY



C.R.P.No.726 of 2026

S.SOUNTHAR, J.

ub

C.R.P.No.726 of 2026

16.02.2026