



WEB COPY

CRP No. 262 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 262 of 2026

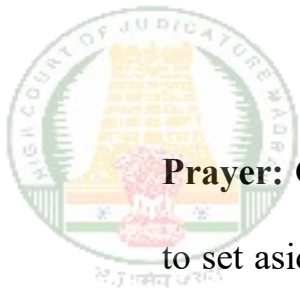
1. Sornathal, W/o. Late. Palanisamy
Pappankattu Thottam, Najaiutthukuli Village
Modakurichi Taluk, Erode Dist.
2. Srimathi, W/o. Velusamy
Pappankattu Thottam, Najaiutthukuli Village
Modakurichi Taluk, Erode Dist.

..Petitioner(s)

Vs

1. Sengottuvel, W/o. Late. Palanisamy
Aniruth Residency, Ground Floor
Near Karmal School, Karur Bye Pass Road
Kollamapalayam, Erode 2
Erode Dist.
2. M/s. S.K.M. Animal Feeds and Foods (India) Pvt
Ltd. Company
Managing Director M.Chandrasekaran
S/o. Mailanantham,
613, Savadipalayam Puthur Road
Nanjai Uthukuli Post
Modakurichi Post,
Erode Dist 638 104.

..Respondent(s)



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decretal Order dated 06.11.2025 passed in I.A. No. 18 of 2025 in OS No. 224 of 2024 on the file of the District Munsif cum Judicial Magistrate at Elamathur and subsequently said suit was transferred and renumbered as OS 223 of 2023 on the file of the Principal District Munsif Court, Erode.

For Petitioner(s): Ms. R.Hemalatha

For Respondent(s): Mr. M.Guruprasad

For Caveator/ 2nd respondent

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioners/plaintiffs seeking to scrap the report filed by the earlier Advocate Commissioner and to appoint a fresh Advocate Commissioner to measure the suit property and to file a report as prayed for.

2. The learned counsel for the petitioners made an endorsement, giving up the first respondent in this Civil Revision petition.

3. The learned counsel for the petitioners would submit that the application filed by the petitioners has been dismissed by the Trial Court, without any reason and therefore, the same is liable to be set aside.



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4. The learned counsel for the caveator/2nd respondent would submit that as per the request made by the petitioners, an Advocate Commissioner was appointed and he filed a report earmarking 38 cents in Re-survey No.607/7. Therefore, according to him, the prayer sought for by the petitioners to scrap the earlier report filed by the Advocate Commissioner and to appoint a fresh Advocate Commissioner is not at all maintainable. The learned counsel vehemently contended that the petitioners have not made out any case for scrapping the earlier report.

5. A perusal of the impugned order would indicate that the Trial Court has not given any reason for dismissal of the petition. In the affidavit filed in support of the petition seeking to scrap the earlier report filed by the Advocate Commissioner and to appoint a fresh Advocate Commissioner, the petitioners have stated that total extent available in R.S.No.607/7A was 58 cents and the same has been wrongly mentioned by the Advocate Commissioner as 38 cents. Without considering the reasons given by the petitioners on merits, the Trial Court simply dismissed the petition by way of cryptic order. Therefore, the impugned order, being a non speaking one, is liable to be set aside.



6. Accordingly, this civil revision petition is allowed by setting aside the impugned order passed by the Trial Court. The matter in I.A.No.18 of 2025 in O.S.No.224 of 2024 is remitted back to the Trial Court and the Trial Court is directed to dispose of I.A.No.18 of 2025 in O.S.No.224 of 2024 afresh, within two weeks from the date of receipt of copy of the order, after hearing both the counsel for the petitioners and the respondents. There shall be no order as to costs.

22-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Principal District Munsif, Erode.



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S.SOUNTHAR, J.

MST

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