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C.R.P.(PD) No.1138 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**C.R.P.(PD) No. 1138 of 2026
and C.M.P.No.5920 of 2026**

1.Dr.K.Ramani

2.Mrs.K.Rohini

Both rep. by their POA agent,
Mr.N.Jeyachandran

3.Mr.N.Jeyachandran

..Petitioners

Vs.

Mr.G.S.Anandraj

..Respondent

Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to call for the records relating to the order dated 04.12.2025 passed in I.A.No.7 of 2025 in I.A.No.4 of 2022 in O.S.No.2733 of 2016 on the file of the I Assistant City Civil Court, Chennai set aside the same, direct reopening of I.A.No.4 of 2022 and order further inspection of Item No.1 of the suit schedule property by an Advocate Commissioner.

For Petitioners : Mr.S.Mukunth,
Senior Counsel
for Mr.C.Rajakumar

**ORDER**

This Civil Revision Petition has been filed by the Petitioners praying to set aside the Order dated 04.12.2025 in I.A.No.7 of 2025 in I.A.No.4 of 2022 in O.S.No.2733 of 2016 passed by the learned I Assistant Judge, City Civil Court, Chennai and direct reopening of I.A.No.4 of 2022 and order, further inspection of Item No.1 of the suit schedule property by an Advocate Commissioner.

2. The brief facts of the case are as follows:

The Petitioners had filed a suit in O.S.No.2733 of 2016 before the City Civil Court, Chennai for the relief of permanent injunction restraining the Respondent, his men, agents, servants, relatives or his attorneys or any other persons acting on his behalf or instructions or claiming right under him, from in any manner interfering or disturbing with the Petitioners' peaceful possession and enjoyment of the suit schedule property. Subsequently, the Petitioners had filed an Interlocutory Application in I.A.No.4 of 2022 in O.S.No.2733 of 2016 praying to pass an order for appointment of an Advocate Commissioner to inspect the suit schedule property and to take measurements of the same and also, to locate & identify the Plot No.42 of Layout No.LPDM/DTP No.16/1973 (revised layout of LPDM/DTP No.32/68) in S.No.317/1A1 of Velachery Village, if need, be with the assistance of Taluk Surveyor, Office of the Tahsildar, Velacherry Taluk and to file a report thereof with sketch,



measurements and photographs of the said properties. The learned I Assistant Judge, City Civil Court, Chennai vide Order dated 25.10.2024 in I.A.No.4 of 2022 in O.S.No.2733 of 2016, appointed one Mr.E.Venkatesan, Advocate as an Advocate Commissioner to inspect the suit schedule property viz.,

Item No.1: A vacant land situated at No.137, Velachery Village, SRI Bhuvaneswari Nagar, Velacherry Taluk, Chennai District, comprised in S.No.317/1, (Part) bearing Plot Nos.223 & 224 measuring an extent of 7,650 Sq.ft.

Item No.2: A building site situated in No.137, Velacheri Village, presently Velacheri Taluk, Chennai bearing Plot No.42 in approved Layout No.LPDM/DTP No.16/1973 in S.No.317/1A1 of Velacherry Village measuring an extent of 2,400 Sq.ft.

and to procure the documents including layout plan from the Directorate of Town and Country Planning or its subordinate officers and to inspect and measure the property with the help of Surveyor and identify the property, fix boundaries and file a report before the Court, within two weeks from the date of receipt of warrant.

3. Pursuant to the aforesaid order dated 25.10.2024, the Advocate Commissioner had executed the warrant issued to him as per the direction issued by the learned I Assistant Judge, City Civil Court, Chennai in the aforesaid order dated 25.10.2024 in I.A.No.4 of 2022 in O.S.No.2733 of 2016



and filed his Report before the Court on 23.01.2025. However, the Petitioners had filed their Objection dated 20.03.2025 to the Report of Advocate Commissioner.

4. Subsequently, the Petitioners had filed an Interlocutory Application in I.A.No.7 of 2025 in I.A.No.4 of 2022 in O.S.No.2733 of 2016 praying to reopen I.A.No.4 of 2022 and to direct the previously appointed Advocate Commissioner to revisit and inspect Item No.1 of the suit schedule property, without insisting upon layout approval and to file a fresh and comprehensive report after due local investigation, in accordance with the original directions of the Court. The learned I Assistant Judge, City Civil Court, Chennai vide Order dated 04.12.2025, dismissed the I.A.No.7 of 2025 in I.A.No.4 of 2022 in O.S.No.2733 of 2016 by observing as follows:

“..... Now the learned plaintiff counsel seeking revisit and inspect the suit property without insisting layout plan by the previous Advocate/Commissioner. The above said request is against the order of the Hon’ble High Court, Madras passed in CRP No.(PD) No.4909/2023 and C.M.P.No.28931/2023 dated 02.07.2024. The Hon’ble High Court clearly mentioned in its order that the Advocate/Commissioner to be inspect the suit property along with plan. As per the Hon’ble High Court, the previous Advocate/Commissioner have inspected the suit property along with plan also and the said plan was marked as Ex.C2. In this circumstance, this Court comes to the conclusion that the plaintiff is trying to drag on the proceedings. Further, the main case is pending nearby 10 years. Now, both side evidence are completed and the case is Arguments stage. Hence, there is no necessity to revisit the suit property by the Advocate Commissioner at this stage and petition is liable to be dismissed.

In the result, this petition is dismissed. No costs.”



Aggrieved by the above order, the Petitioners have filed the present Civil Revision Petition for the relief stated *supra*.

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5. The learned Senior Counsel for the Petitioners submitted that pursuant to the Order dated 25.10.2024 in I.A.No.4 of 2022 in O.S.No.2733 of 2016, the Advocate Commissioner had inspected the suit schedule property, but, he refused to inspect and measure Item No.1 of the suit schedule property for the reason that Item No.1 is an unapproved layout. The incomplete inspection will delay the disposal of the suit.

5.1. It is further submitted by the learned Senior Counsel for Petitioners that the Petitioners had produced the Registered Sale Deeds, Patta and Revenue Records of the suit schedule properties to facilitate identification, despite the same, the Advocate Commissioner refused to inspect Item No.1 of the suit schedule property for the reason that the said item is not part of an approved layout and contended that it is arbitrary and contradictory to the order of the Court.

5.2. The learned Senior Counsel for the Petitioners also submitted that the Trial Court had erred in accepting the Advocate Commissioner's Report which does not cover one of the item of suit schedule property cannot be relied upon for adjudication. Acceptance of such Report defeat the very purpose of



appointing an Advocate Commissioner. Hence, the Petitioners are praying for reopening of I.A.No.4 of 2022 and for a direction to the Advocate Commissioner to revisit and inspect Item No.1 of the suit schedule property and file a fresh report.

5.3. It is submitted by the learned Senior Counsel for the Petitioners that the Advocate Commissioner had measured Item No.2 of the suit schedule properties as per the approved plan handed over to him by the Assistant Executive Engineer, Zone – XIII, Division 177, Unit – 39, Velachery of the Greater Chennai Corporation and not as per the description of the property found in the Sale Deed dated 15.12.1967.

6. Heard the learned Senior Counsel for Petitioners and perused the materials available on record.

7. As far as this case is concerned, the learned I Assistant Judge, City Civil Court, Chennai vide Order dated 25.10.2024 in I.A.No.4 of 2022 in O.S.No.2733 of 2016, appointed an Advocate Commissioner to inspect and measure the suit schedule property consisting of two items viz.,

Item No.1: A vacant land situated at No.137, Velachery Village, SRI Bhuvaneswari Nagar, Velacherry Taluk, Chennai District, comprised in S.No.317/1, (Part) bearing Plot Nos.223 & 224 measuring an extent of

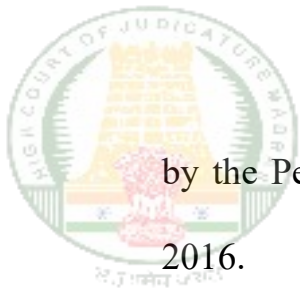


7,650 Sq.ft.

Item No.2: A building site situated in No.137, Velacheri Village, presently Velacheri Taluk, Chennai bearing Plot No.42 in approved Layout No.LPDM/DTP No.16/1973 in S.No.317/1A1 of Velacherry Village measuring an extent of 2,400 Sq.ft.

with the help of surveyor and identify the property, fix boundaries and file a report before the Court, within two weeks from the date of receipt of warrant. However, the Advocate Commissioner had inspected and measured Item No.2 of the suit schedule property alone. He did not inspect and measure Item No.1 of the suit schedule property for the reason that no approved layout plan was provided for Item No.1 of the suit schedule property. Therefore, the Petitioners have filed I.A.No.7 of 2025 in I.A.No.4 of 2022 in O.S.No.2733 of 2016 before the I Assistant City Civil Court, Chennai praying to reopen I.A.No.4 of 2022 and to direct the previously appointed Advocate Commissioner to revisit and inspect Item No.1 of the suit schedule property, without insisting upon layout approval and to file a fresh report. However, the said I.A.No.7 of 2025 was dismissed. Hence, this Civil Revision Petition.

8. Considering the facts and circumstances of the case and having regard to the submissions made by the learned Senior Counsel for Petitioners, this Court is inclined to set aside the impugned order and to grant the relief sought



by the Petitioners in I.A.No.7 of 2025 in I.A.No.4 of 2022 in O.S.No.2733 of 2016.

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9. Accordingly, Order dated 04.12.2025 in I.A.No.7 of 2025 in I.A.No.4 of 2022 in O.S.No.2733 of 2016 passed by the learned I Assistant Judge, City Civil Court, Chennai is set aside and I.A.No.7 of 2025 in I.A.No.4 of 2022 in O.S.No.2733 of 2016 is allowed. Consequently, I.A.No.4 of 2022 is reopened and the Advocate Commissioner is directed to revisit and inspect Item No.1 of the suit schedule property, measure it with available records, documents, identity, without insisting the layout approval and to file a fresh report.

10. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

The I Assistant Judge,
City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

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