



WEB COPY

CRP No. 647 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

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

CRP No. 647 of 2025

AND

CMP NO. 3718 OF 2025

A.Veerasamy
No. 15, 8th Avenue, Ashok Nagar, Chennai 83,
Also at Kandiyam Kadu Village, Moothakurichi
Post, Pattukottai 614 906

..Petitioner(s)

Vs

M/s. HATSJUN AGRO PRODUCT LTD.,
Rep by P.Sivasakthivel, Asst Manager – Legal
No. 14, Tamil Nadu Housing Board A Road,
Sholinganallur, Chennai 119

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India,
praying to set aside the order dt. 03.12.2024 passed by the XII Assistant City
Civil Court, Chennai in I.A.No. 2 of 2024 in O.S No. 3515 of 2023.

For Petitioner(s):

Mr. P.Sesubalan Raja for
M/s.ASN Atthik Legal Solutions

ORDER

Challenging the impugned order passed in I.A.No.2 of 2024 in
O.S.No.3515 of 2023 by the learned XII Assistant Judge, City Civil Court,
Chennai, the Revision Petitioner/defendant preferred this Civil Revision
Petition.



2. Before the trial court, the Revision Petitioner/defendant filed an application to appoint advocate commissioner in order to show the damages caused by the respondent/plaintiff as a tenant of the property. But, the trial judge has not inclined to allow the application and dismissed the same. Aggrieved over that, the Revision Petitioner/defendant preferred this Civil Revision Petition.

3. The learned counsel for Revision Petitioner would submit that as a landlord, the property was leased out to the respondent/plaintiff and after completion of lease period, he vacated, but refused to hand over possession. However, they came forward with the suit for recovery of money as if advance amount was retained by him. But, according to the Revision Petitioner, they have caused damages and also made alteration without his consent. Hence, he had filed a counter claim. To prove the physical features of the property, he wanted to appoint an advocate commissioner, but the trial judge failed to consider the same and erroneously dismissed the application. Therefore, he prayed to set aside the findings of trial judge.

4. Despite service of notice, none appeared on behalf of respondent. Considering the submissions of Revision Petitioner, the fact reveals that the tenancy with the Revision Petitioner/Defendant is not denied by the respondent/plaintiff. Though the respondent/plaintiff had claimed that they vacated the property, according to the Revision Petitioner, the possession was not handed over to him and still there is damages in the suit property and both



of them are claiming the relief of recovery of money. So, in order to prove the damages, the appointment of Advocate Commissioner is necessary. If at all, any alteration is made, the right of revision petitioner/defendant to the counter claim is also to be necessarily considered. Considering that, this Court is inclined to set aside the findings rendered in I.A.No. 2 of 2024 in O.S.No. 3515 of 2023 by the XII Assistant Judge, City Civil Court, Chennai. The trial judge is directed to appoint an advocate commissioner as prayed by the Revision Petitioner within a period of three weeks from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP
To

The XII Assistant Judge, City Civil Court, Chennai.



WEB COPY

CRP No. 647 of 2



T.V.THAMILSELVI J.

RPP

**CRP No. 647 of 2025
AND
CMP NO. 3718 OF 2025**

11-03-2026