



WEB COPY

CRP No. 1205 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

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

CRP No. 1205 of 2026

AND

CMP NO. 6039 OF 2026

Thangammal
W/O.Late Subramania Gounder,
Thandumariamman Koil Thottam,
Kalipatti,
h/O. Kondaiyampalayam Village,
Gobi Taluk.

..Petitioner(s)

Vs

Venkatachalamurthi
S/O. Bagavathiyana Gounder,
D.No.147, Gandhi Road,
Majara Kallipatti,
Kondaiyampalayam Village,
Gobichettipalayam Taluk,
Erode District.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art.227 of Constitution of India,
praying to set aside the fair and final order dated 11-11-2025 made in IA.No.3
of 2025 in OS.No.174 of 2017 on the file of the Dist.Munsif Court,
Gobichettipalayam.

For Petitioner(s):

Mr.R.Ganesh



ORDER

Challenging the impugned order passed in I.A.No.03 of 2025 in O.S.No.174 of 2017 by the learned District Munsif Court, Gobichettipalayam, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioner/plaintiff filed an application under Order 26 Rule 9 r/w Sec.151 of C.P.C. seeking to appoint advocate commissioner in order to note down the physical features and to measure the property. But, the same was dismissed by the trial judge holding that the plaintiff has to prove her case by producing evidence and thereafter only, she is entitled for the relief and the reason assigned for appointment of advocate commissioner has no nexus with the main relief. Aggrieved over that, she preferred this Civil Revision Petition.

3.The learned counsel for revision petitioner would submit that the plaintiff is aged about 87 years old and she filed the suit for declaration and injunction, but the defendants have caused interference in enjoyment of two cents of land, which belongs to her absolutely. To prove the usage of land, she wanted to appoint advocate commissioner, but it was not granted. Hence, he prayed to set aside the findings of trial judge.

4. Considering the relief claimed in the plaint, it shows that the revision petitioner/plaintiff approached the court for the relief of declaration as well as injunction with regard to an extent of two cents as a schedule of property and also contended that the defendant had caused interference by making wrongful



claim and also attempted to enjoy the same. In order to prove the usage of the suit property, the revision petitioner/plaintiff approached the court to appoint advocate commissioner. On considering the nature of relief claimed in the suit as well as facts and circumstances, the report of advocate commissioner is just and necessary, which would enlighten the court about the relief claimed in the suit as well as usage of property as on date. Therefore, this Court is inclined to set aside the findings rendered in I.A.No.3 of 2025 in O.S.No.174 of 2017 by the District Munsif, Gobichettipalayam. Accordingly, this Civil Revision Petition is allowed. The trial judge is directed to appoint an advocate commissioner within a period of two weeks from the date of receipt of copy of this order. The advocate commissioner is directed to visit the property and file a report on execution of the warrant. On receipt of report, the trial judge is directed to complete the trial and dispose the case as early as possible, since the plaintiff is aged about more than 87 years. No costs. Consequently, connected civil miscellaneous petition is closed.

27-03-2026

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

RPP

To

The District Munsif, Gobichettipalayam.



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T.V.THAMILSELVI J.

RPP

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