



CRP No. 1096 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 1096 of 2024 and
CMP.No.5701 of 2024**

R.Thangavelu

Petitioner

Vs

1. R.Subramaniam

2.G.Susila

3.S.Anadhakumar

4.A.Natarajan

5.R. Balu

6.T. Mohanraj

7.R.Mageshkumar

8.K.Shanmugham

9.Veeramani

10.Vidhya



11.Amsaveni

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12.The Sub Registrar
Sulur, Coimbatore.

13.The Tahsildar

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 9.10.2023 made in IA.No.1/2023 in OS.No. 1246/2022 on the file the II Additional Subordinate Court, Coimbatore.

For Petitioner(s): Mr.S.Parthasarathy
Senior Counsel
for Mr.M.Guruprasad

For Respondent(s): Mr.K.Venkatasubban for R1 to
R7
for M/s.Sarvabhauman
Associates

Mr.N.Muthuvel for R12 and R13
Government Advocate

R8 to R10- served-No
appearance
R11- Refused.



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ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondents 1 to 7/defendants 5 to 11 seeking appointment of Advocate Commissioner to measure the suit property with the help of Taluk Surveyor and fix the boundaries of the suit property after excluding 3.87 acres on the southern portion of S.F.No. 801/ 3.

2. The petitioner herein filed a suit seeking declaration that he is the absolute owner of the suit property and for consequential injunction restraining the defendants from interfering with his possession. The petitioner also sought for declaration that various sale deeds executed by defendants 1 to 4 in favour of other defendants were null and void and could not be enforced in law against the plaintiff. It is the specific case of the petitioner/plaintiff that in the earlier suit between the petitioner and the vendor of the respondents 1 to 7 namely Shanmugam, it was held that the said Shanmugam was entitled to 3.87 acres on the southern portion of the suit survey number and the petitioner herein was entitled to 15 cents on the northern portion of the suit survey number. Since there was interference by the respondents herein, the petitioner filed a present



suit seeking above said relief.

3. The respondents 1 to 7, who were arrayed as defendants 5 to 11, filed instant application seeking appointment of Advocate Commissioner to earmark the suit property after excluding 3.87 acres of land on the southern side of the suit survey number and the same was allowed by the trial court. Aggrieved by the same, the petitioner/plaintiff has come before this court.

4. The learned Senior Counsel for the petitioner, by producing the Advocate Commissioner's report and plan filed in the earlier suit in OS.No.108 of 2010 between the petitioner and the vendor of the contesting respondents, submitted that the suit property with an extent of 15 cents on the northern side of S.F.No. 801/3 was already earmarked in the Advocate Commissioner's Report and plan filed in the earlier suit. Therefore, according to him, there is no necessity for appointment of Advocate Commissioner again in the present suit.

5. The learned counsel for the contesting respondents 1 to 7 submitted that in the Advocate Commissioner's plan filed in the earlier suit, only rough plan was filed and the exact extent of the property on the northern side was not properly mentioned. He also submitted that the Surveyor's plan mentioned in the Advocate Commissioner's report has not been produced before this court.

6. When Advocate Commissioner filed his report, plan along with Surveyor's sketch in the earlier suit between the petitioner and vendor of contesting respondents, there is no necessity to appoint another Advocate



Commissioner in the present suit. However, in view of the objections raised by the learned counsel for the contesting respondents, the Civil Revision Petition is disposed of with direction to the petitioner to produce the Advocate Commissioner's report, plan and also Surveyor's sketch filed in OS.No.108 of 2010 before the Trial Court within a period of four weeks from the date of receipt of a copy of this order. If the Trial Court is satisfied with the report filed in the earlier suit, there may not be any necessity for appointment of fresh Advocate Commissioner in the present suit. On the other hand, if the Court is not satisfied by the Advocate Commissioner's report and the Surveyor's sketch filed in the earlier suit, it is open to the trial court to appoint fresh Advocate Commissioner to measure the suit property with the help of Surveyor so as to earmark the northern 15 cents after excluding southern 3.87 acres. This exercise shall be done by the trial court after production of Advocate Commissioner's report, plan and Surveyor's sketch by the petitioner before the trial court.

7. In view of the same, the civil revision petition is allowed and the impugned order is modified as stated supra. However, it is made clear that if the Court is not satisfied with the earlier Advocate Commissioner's report and plan, it can always appoint a fresh Advocate Commissioner in the present suit for the purpose of earmarking the suit property.

8. The respondents 1 to 7 are at liberty to file an application seeking



appointment of fresh advocate commissioner after filing of the report and plan by the petitioner herein. If any such application is filed, the same shall be considered on its own merits by the trial court in light of the observations made in this order. No costs. Consequently, the connected miscellaneous petition is closed.

08-01-2026

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

1. The II Additional Sub-Ordinate Court, Coimbatore.
2. The Sub Registrar
Sulur, Coimbatore.
3. The Tahsildar
Sulur, Coimbatore.



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