



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1336 of 2026

AND

CMP NO. 6519 OF 2026

1. N.S.Mohan Kumar
S/o.Late Shanmugam, Door No.111/2,
Periyar Nagar, Erode Taluk, Erode
District 638 001

2. M.Preetha
W/o. N.S. Mohan Kumar Door
No.111/2, Periyar Nagar, Erode Taluk,
Erode District 638 001

Petitioner(s)

Vs

1. U.Jinendar Kumar
S/o.P.Uttamkumar, Door No.94,3rd
Floor Dr.Nanjappa Road, Coimbatore
641 018

2.V.Nilesh Kumar
S/o. Late. Veerendra Kumar Door
No.94,3rd Floor Dr.Nanjappa Road,
Coimbatore 641 018

3.S.Vinod
S/o. Siluvainayagam Door No. 91B,
Balasubramaniyam Nagar Kamadenu
Nagar Avarampalayam, Ganapathy
Coimbatore 641 018

Respondent(s)

**CRP No. 1336 of 2026****PRAYER**

To set aside the Fair and Final order dated 17.11.2025 made in I.A. No. 3 of 2022 in OS No. 568 of 2022 on the file of the Court of I Additional District Judge, Coimbatore by allowing this CRP

CRP No. 1336 of 2026

For Petitioner(s): C.E.Pratap
R.Prabakar
G.C.Nelson Britto

For Respondent:

ORDER

This Civil Revision Petition has been filed seeking to set aside the Fair and Final order dated 17.11.2025 made in I.A. No. 3 of 2022 in OS No. 568 of 2022 on the file of the Court of I Additional District Judge, Coimbatore.

2. The petitioners herein filed I.A. No. 3 of 2022 in OS No. 568 of 2022 on the file of the Court of I Additional District Judge, Coimbatore, seeking to appoint Advocate Commissioner to note down the physical feature and measure the property. Upon hearing both sides, the Trial Court held that Advocate Commissioner cannot be appointed to find out the facts and gather the evidence of prove the case of the parties. Accordingly, dismissed the application. Challenging the same, the petitioner filed this Civil Revision Petition.

3. The learned counsel for the petitioner submits that the petitioners/plaintiffs filed the suit for the relief of declaration and injunction



against the defendants stating that at the time of their purchase the description of property wrongly mentioned. Thereby the dispute arose between them with regard of boundaries of the property, which necessitated the petitioner to file the suit for declaration. Consequently in order to establish the boundaries, the petitioner filed the application to appoint advocate Commissioner to note down the physical feature of the suit property but it was dismissed by the Trial Court. Hence, he prays to allow this petition.

4. Heard the submission of the learned counsel for the petitioner.

5. A perusal of records reveals that there is dispute between the parties with regard to boundaries and extent of the property. Therefore, it is necessary to appoint an Advocate Commissioner to measure the property with the assistance of a Surveyor. But the Trial Court failed to consider the same; as such impugned order is erroneous and illegal. The order dated 17.11.2025 passed in I.A. No. 3 of 2022 in OS No. 568 of 2022 on the file of the Court of I Additional District Judge, Coimbatore is set aside and direct the Trial Court to appoint Advocate Commissioner. Accordingly, this Civil Revision Petition is allowed. No Costs. Pending petition, if any, is/are closed.

11-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The I Additional District Judge, Coimbatore



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T.V.THAMILSELVI J.
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2026**

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