



WEB COPY

CRP No. 1058 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

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

CRP No. 1058 of 2025

AND

CMP NO. 6100 OF 2025

1. V.Kalaiselvan
S/o. Late Venkatesan,
Res. at Chennai Salai (Near Dr.Raja House),
Bramnapuram, Katpadi Taluk, Vellore District.
2. V.Kalaiarasan
S/o. Late Venkatesan,
Res. at Chennai Salai (Near Dr.Raja House),
Bramnapuram, Katpadi Taluk, Vellore District.

..Petitioner(s)

Vs

P.Arumugam
S/o. Late Ponnusamy,
Madhuva Nagar, Somenakuppa, Shimoga,
Karnataka State.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair and Decretal Order dated 24.01.2025 passed in IA No. 01 of 2024 in IA No. 1 of 2021 in OS No. 391 of 2022 on the file of Sub Judge, Katpadi, by allowing the revision petition.

For Petitioner(s): Mr.T.S.Baskaran

For Respondent(s): Mr.M.Arul



ORDER

Challenging the impugned order passed in I.A.No.1 of 2024 in I.A.No.1 of 2021 in O.S.No.391 of 2022 by the learned Sub-Judge, Katpadi, Vellore District, the Revision Petitioners/defendants preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioners filed an application seeking to reissue the warrant to the advocate commissioner to note down the physical features, since it was changed after the acquisition of land by the National Highways and formation of new road. But, the trial court failed to grant permission and erroneously dismissed the application. Aggrieved over that, they have preferred this Civil Revision Petition.

3. The learned counsel for revision petitioners would submit that at the earlier occasion, the advocate commissioner was appointed in I.A.No. 1 of 2021 and the report was also filed in the year 2023. Thereafter, the trial has begun. Subsequently, there was change in circumstances i.e. National Highways acquired the portion of land, which also forms part and parcel of the suit property. So, to show the present physical features of the property after the acquisition of lands by the National Highways and after the formation of new road, the report of commissioner is just and necessary. But the trial court failed



to give such opportunity. Hence, he prayed to set aside the findings of trial judge.

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4. The learned counsel for respondent/plaintiff raised objections stating that already the Commissioner was appointed in the year 2022 and thereafter, the report was filed in the year 2023. Now, after the closure of evidence, the revision petitioners/defendants came forward with the said application and the same was rightly dismissed by the trial judge. Hence, he prayed to dismiss this Civil Revision Petition.

5. Heard and considered rival submissions made on either side and perused the materials available on record.

6. Considering both side submissions, the fact reveals that admittedly, now the case became part-heard, at this stage, the revision petitioners/defendants have filed the application for revisitation of commissioner, since after the visitation of commissioner, there was change of circumstances, more particularly, there was an acquisition of portion of property by the National Highways. Admittedly, the subject property is abetting the National Highways road. Since the physical features of property is relating to the subject in issue, the revisitation of commissioner is just and necessary. Considering that, this court is inclined to set aside the findings rendered in



I.A.No.1 of 2024 in I.A.No.1 of 2021 in O.S.No.391 of 2022 by the Sub-Judge, Katpadi. The Advocate Commissioner is directed to revisit the property and file a report. After filing of the report, the trial judge is directed to complete the trial and dispose the case within a period of four months 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.

25-03-2026

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

RPP

To

The Sub-Judge, Katpadi.



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T.V.THAMILSELVI J.

RPP

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