



WEB COPY

CRP No. 1485 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1485 of 2026

and

CMP.No.7086 of 2026

1. K.Sundaramoorthy
S/o.Kanniappan, No.282 Kunnathur,
Manamai Post, Pulishakadu Village,
Thirukalukundram Tk., Kancheepuram
Dist 603 102.

Petitioner(s)

Vs

1. G.Duraisamy
S/o.Late Govindasamy Naicker,
Kunnathur Village, Manamai Post,
Thirukalukundram tk., Kanchipuram
Dist 603 102.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the fair and decretal order dated 05-09-2024 passed in IA.No.1 of 2022 in IA.No.468 of 2016 in OS.No.31 of 2014 on the file of the Principal Subordinate Court, Chengalpattu.

For Petitioner(s): G.Sumitra

For Respondent:

ORDER

The petitioner has filed this Civil Revision petition, to set aside the fair and decretal order dated 05-09-2024 passed in I.A.No.1 of 2022 in I.A.No.468 of 2016 in O.S.No.31 of 2014 on the file of the Principal Subordinate Court, Chengalpattu.



Challenging the impugned order passed by the trial Judge in in I.A.No.1 of 2022 in I.A.No.468 of 2016 in O.S.No.31 of 2014 on the file of the Principal Subordinate Court, Chengalpattu, the defendant has preferred this revision

2. Before the trial court, the revision petitioner filed an application to re-visit the suit property through the Advocate Commissioner for fresh measurement with the help of a surveyor. The said application was dismissed by the learned trial Judge on the ground that the Advocate Commissioner had already measured the property with the help of the surveyor and the same had been recorded, and therefore a second visit was not necessary. Aggrieved by the said order, the present revision has been filed.

3. The learned counsel for the revision petitioner submitted that at the time of earlier measurement, the Commissioner as well as the surveyor had not properly fixed the survey stones. Therefore, an application was filed seeking re-visit of the property, but the trial court failed to give such direction and erroneously dismissed the petition. He further submitted that while dismissing the application, the learned trial Judge made an observation that the Commissioner's report was confirmed and accepted, even without giving opportunity to the parties to adduce evidence or to raise objections regarding the measurements during trial.



4. Considering the submissions and on perusal of the records, it is seen that the Advocate Commissioner had already been appointed and the property was measured with the help of the Taluk Surveyor, in the presence of both parties and their respective counsels. The Commissioner measured the property after following the necessary formalities with the assistance of the revenue authorities. Therefore, the request for re-visit cannot be accepted, as rightly held by the trial Judge.

5. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

6. However, as rightly pointed out by the trial court, the observation made while dismissing the application that the Commissioner's report is confirmed and accepted is unwarranted. Liberty is given to both parties to adduce evidence with regard to the Commissioner's report, and after completion of evidence, the trial Judge shall give findings regarding the Commissioner's report in accordance with law.

12-03-2026

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

1.G.Duraisamy
S/o.Late Govindasamy Naicker,
Kunnathur Village, Manamai Post,
Thirukalukundram tk., Kanchipuram
Dist 603 102.

2. The Principal Subordinate Court,
Chengalpattu.

3.The Section Officer, VR Section,
High Court of Madras.



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