



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1792 of 2026

and

CMP.No.8129 of 2026

1. Kannappan

S/o.Late Vaidhi, No.4/136, Nadu St,
Kovoor, Chennai 128. Saroja (Died)
B.Palani (Died)

2. K. Kala

D/o.late Balaraman, No.4/136, Nadu St,
Kovoor, Chennai 128.

3. B.Saravanan

S/o.late Balaraman, No.4/136, Nadu St,
Kovoor, Chennai 128.

4. Sharmila

W/o.Late Palani, No.4/136, Nadu St,
Kovoor, Chennai 128.

5. Dinesh

S/o.Late Palani, No.4/136, Nadu St,
Kovoor, Chennai 128.

6. Theerthana

D/o.late palani, No.4/136, Nadu St,
Kovoor, Chennai 128.

7. Monish

S/o.Late Palani, No.4/136, Nadu St,
Kovoor, Chennai 128.

Petitioner(s)

Vs

1. Nageshwari

W/o.Late Sekhar, No.38, 1st Street,
Government Farm, Saidapet,
Chennai 015.



2.Duraikannu
S/o.Michael, No.1/75, Thamarai Salai,
Bondhoor Village and Post,
Sriperumbudur Tk, Kancheepuram Dist
602 105.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 22.7.2025 in IA.NO.5/2025 in OS.No.24/2009 on the file of the Additional Sub Court, Kancheepuram.

For Petitioner(s): MR.P.Pandiyaraj

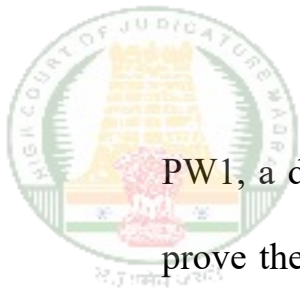
For Respondent(s):

ORDER

The revision petitioners have filed this petition, praying to set aside the order dated 22.7.2025 in IA.NO.5/2025 in OS.No.24/2009 on the file of the Additional Sub Court, Kancheepuram.

2. Before the trial court, the plaintiffs filed an application in I.A. No. 5 of 2025 in OS.No.24/2009 seeking the appointment of an Advocate Commissioner to inspect the suit property. The application was dismissed by the learned trial judge on the ground that it was filed belatedly, nearly 18 years after the institution of the suit and after the commencement of trial, particularly at the stage of defence evidence.

3. The learned counsel for the petitioners submitted that the suit was filed for declaration and recovery of possession. During the cross-examination of



PW1, a doubt arose regarding whether a Commissioner had been appointed to prove the alleged encroachment earlier, and hence, the present application was filed as the Commissioner's report is necessary.

4. Though the application is belated, considering the nature of the suit and the allegation of encroachment, this Court is of the opinion that the report of the Advocate Commissioner may assist the court in proper adjudication. Denial of such an opportunity may lead to multiplicity of proceedings and affect the right of the parties to effectively present their case.

5. Accordingly, this Court is inclined to set aside the order of the trial court, and the application in IA.NO.5/2025 in OS.No.24/2009 on the file of the Additional Sub Court, Kancheepuram, is allowed.

6. The trial court is directed to appoint an Advocate Commissioner within two weeks. The Commissioner shall file the report within four weeks thereafter, after issuing notice to both parties. The trial court is directed to proceed with the matter.



7. Accordingly, the Civil Revision Petition is allowed. Consequently, the connected Miscellaneous petition is closed. No costs.

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10-04-2026

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

1.Nageshwari

W/o.Late Sekhar, No.38, 1st Street,
Government Farm, Saidapet, Chennai
015.

2.Duraikannu

S/o.Michael, No.1/75, Thamarai Salai,
Bondhoor Village and Post,
Sriperumbudur Tk,
Kancheepuram Dist 602 105.

3.The Additional Sub Judge,
Kancheepuram.

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



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T.V.THAMILSELVI J.
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