



WEB COPY

CRP No. 1469 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

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

CRP No. 1469 of 2026 & CRP NO. 1472 OF 2026

AND

CMP NO. 7024 OF 2026 & CMP NO. 7021 OF 2026

Mallika

W/o. Kariyaraman,

Indira Nagar, Pappanaickempatti Post, (Previously called malayalapatti) Peddanaickenpalayam Taluk, Salem District.

..Petitioner(s) in
both C.R.P.s

Vs

1. Periyasamy
S/o. Lakshmanan,
Res.at Indira Nagar,
Pappanaickempatti Post,
(Previously called Malayalapatti)
Peddanaickenpalayam Taluk,
Salem District.
2. Selvan
S/o. Sadyan,
Res.at Indira Nagar,
Pappanaickempatti Post,
(Previously called Malayalapatti)
Peddanaickenpalayam Taluk,
Salem District.
3. Elayakannu
S/o. Lakshmanagounder,
Res.at Indira Nagar,
Pappanaickempatti Post,
(Previously called Malayalapatti)
Peddanaickenpalayam Taluk,
Salem District.

..Respondent(s) in
both C.R.P.s

**PRAYER IN CRP No. 1469 of 2026**

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order and decreetal order in IA 3/2024 in OS No.23/2024 on the file of Additional District Court, Attur dated 16.09.2025.

PRAYER IN CRP No. 1472 of 2026

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order and decreetal order in IA 2/2024 in OS No.23/2024 on the file of Additional District Court, Attur dated 16.09.2025.

For Petitioner(s): Ms. R.Poornima

COMMON ORDER

Challenging the impugned orders passed in I.A.Nos.3 and 2 of 2024 in O.S.No.23 of 2024 by the learned Additional District Judge, Attur, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner/plaintiff filed two applications seeking for appointment of advocate commissioner and seeking for interim injunction. For that, the respondents have also not raised objections. In spite of that, both the applications were dismissed. Aggrieved over that, the Revision Petitioner/plaintiff preferred these Civil Revision Petitions.



4. The learned counsel for Revision Petitioner would submit that he approached the court for the relief of declaration and other consequential relief. He would submit that since the defendants have caused interference, he had filed the suit. He would submit that they are adjacent owners and falsely claiming right over the property, which belong to the plaintiff. There is another suit filed by the defendants in O.S.No. 49 of 2024, which is the suit property. But the trial court has held that both parties are one and the same and erroneously dismissed the applications. Hence, he prayed to set aside the findings of trial judge.

5. On perusal of records, the fact reveals that in order to prove the division of the property allotted to the plaintiff family as per the partition deed, the revision petitioner/plaintiff wanted to measure the property along with Surveyor. The fact also reveals that the defendants have not raised any objections and the report of Advocate Commissioner would assist the court to adjudicate the issue. Therefore, considering the nature of relief claimed by the Revision Petitioner, this Court is inclined to set aside the findings rendered in I.A.Nos.3 and 2 of 2024. The trial judge is directed to appoint an advocate commissioner to inspect the suit properties with the assistance of a qualified Surveyor by giving notice to both parties and the respondents/defendants are directed to cooperate with the proceedings. Accordingly, both the applications



are ordered to be taken on file and these Civil Revision Petitions are allowed.

No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Additional District Court, Attur.



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T.V.THAMILSELVI J.

RPP

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