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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 1594 of 2024
and CMPNo.8538 of 2024

CNR: {HCMA010648282024}

Case QR

D.Manoharan
D/o.Damodharan Gounder

..Petitioner(s)

Vs

Jothi
S/o.chandrakesan, Kollaimedu

..Respondent(s)

Prayer:

Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order passed in IA.No.1/2022 in OS.No. 677/2022 on the file of the Subordinate Court, Katpadi, dated 18.8.2023.

For Petitioner(s): Mr.D.A.Sugumar
for Mr. B.GOPALAKRISHNAN

For Respondent(s): Mr.S.Dhanasekar

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order passed in IA.No.1/2022 in OS.No. 677/2022 dated 18.8.2023, on the file of the Subordinate Court,

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Katpadi, wherein the application filed by the petitioner/plaintiff under Order XXVI Rule 9 of CPC, for appointment of an Advocate Commissioner to inspect the property and to note down the physical features and to submit a report along with a plan, came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent. This Court carefully considered the materials available on record and this Court also went through the order passed by the Court below.

3.The petitioner/plaintiff filed the suit in OS.No.677 of 2022, seeking for the relief of declaration and permanent injunction.

4.IA.No.1 of 2022 was filed by the petitioner/plaintiff for appointment of an Advocate Commissioner on the ground that the report of the Advocate Commissioner will enable the Court to effectively dispose of the suit.

5.The Court below dismissed this application on the ground that an Advocate Commissioner cannot be appointed for the purpose of gathering evidence and without any valid reasons for such appointment. Aggrieved by the said order, the present CRP has been filed before this Court.

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6.In the considered view of this Court, the reasons assigned by the Court below while dismissing the application does not suffer from any perversity warranting the interference of this Court. In view of the same, the order passed by the Court below is sustained and this CRP is dismissed. There shall be a direction to the Sub Court, Katpadi, to dispose of the suit in OS.No.677 of 2022 within a period of six months from the date of receipt of copy of the order.

7.In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18-11-2026

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

To

Subordinate Court,
Katpadi.

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N.ANAND VENKATESH, J.

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CRP No. 1594 of 2024

18-11-2026

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