



WEB COPY

CRP No. 2182 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

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

**CRP No. 2182 of 2026
AND
CMP NO. 9529 OF 2026**

R.Balakrishnan (Died)

B.Sekar
S/o. R. Balakrishnan,
New No.11, Old No.2,
Jawaharlal Nehru Salai,
Ambal Nagar,
Ekkattuthangal,
Chennai – 600 032.

..Petitioner(s)

Vs

P. Manickam (Died)

1. Valliammal
W/o. Late. P. Manickam
2. Amutha
D/o. Late. P. Manickam
3. Sumathi
D/o. Late. P. Manickam
4. Indira
D/o. Late. P. Manickam
5. M. Chandrasekar
S/o. Late. P. Manickam

..Respondent(s)



PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 13.03.2026 made in IA No.14 of 2026 in OS No.6944 of 2013, on the file of the IV Assistant City Civil Court, Chennai.

For Petitioner(s): Mr.Samir S.Shah
For Mr. Shah And Shah

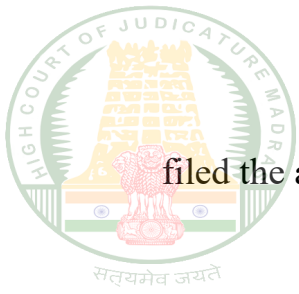
For Respondent(s): Ms.Santhanamari M.

ORDER

Challenging the impugned order passed in IA No.14 of 2026 in OS No.6944 of 2013 dated 13.03.2026 on the file of the IV Assistant City Civil Court, Chennai, the plaintiffs have preferred this revision.

2. The revision petitioner / defendant filed an application before the trial court under Order XVIII Rule 17 with Section 151 CPC to reopen the plaintiff side in OS No.6944 of 2013, for examining an expert Civil Engineer. On hearing the objection of the defendant, the said application was dismissed by the trial judge by holding that the plaintiff side evidence was already completed and there is no proper reason assigned for reopen and dismissed the application.

3. The learned counsel for the revision petitioner submits that now a new counsel had entered appearance on behalf of the plaintiff and found that with regard to the encroachment, he requires some material evidence. Therefore, he



filed the application to reopen and examine the evidence.

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4. The learned counsel for the respondents submits that already evidences were completed and the case is posted for arguments and inspite of that reopen was sought by the plaintiff / revision petitioner.

5. Considering both the submissions, the fact reveals that the suit was filed by the revision petitioner for relief of mandatory injunction, to prove the possession over the plaintiff. The defendants described that they have not made any such encroachment. Already an Advocate Commissioner was appointed to note down the physical features. Now the plaintiff wants to prove the encroachment through the Engineer's report. But the court below failed to give such opportunity.

6. The report with regard to the encroachment is just and necessary. But instead of a civil engineer, this Court is inclined to measure both the properties with the help of a surveyor by appointing a fresh Advocate Commissioner, by the trial court within a period of two weeks and after receiving the report of the commissioner, the trial court can proceed with the matter and the cost to be paid by both the parties. The Advocate Commissioner is directed to give notice to both the parties and thereafter measure the property with the help of the surveyor along with relevant records.



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7. Accordingly, this Civil Revision Petition is disposed of. No costs, consequently, the connected Civil Miscellaneous Petition is closed.

10-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MTL

To

1. The IV Assistant City Civil Court, Chennai.



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T.V.THAMILSELVI J.

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