



WEB COPY

CRP No. 2092 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2092 of 2026
and CMP.No.9251 of 2026**

1. Rangasamy
S/o. Ramasamy, Bommakappalayam,
Kavundipalayam Post, Paramathi Velur
Taluk, Namakkal District.

Petitioner(s)

Vs

1. Velusamy
S/o. Kaliannan, D.No.4/74,
Bommakappalayam, Kavundipalayam
Post, Paramathi Velur Taluk, Namakkal
District.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the Fair and Decretal order dated 11.02.2026 made in I.A.No.7 of 2025 in O.S.No.6 of 2021 on the file of the Subordinate Court at Paramathi.

For Petitioner(s): Mr.T.L.Thirumalaisamy

For Respondent(s):

ORDER

The revision petitioner has filed this petition to set aside the Fair and Decretal order dated 11.02.2026 made in I.A.No.7 of 2025 in O.S.No.6 of 2021 on the file of the Subordinate Court, Paramathi.



2. The learned counsel for the revision petitioner submitted that the learned trial Judge erroneously misconstrued the relief sought in I.A. No. 7 of 2025 in O.S.No.6 of 2021 and dismissed the petition. Aggrieved by the same, the plaintiff has preferred the present revision.

3. Before the trial Court, the petitioner filed I.A. No. 7 of 2025 seeking a direction to the Advocate Commissioner to revisit the property along with a surveyor for measurement. The Court below dismissed the application on the ground that the earlier Commissioner's report had not been challenged or set aside, and therefore, the present application is not maintainable.

4. It is seen that the Advocate Commissioner had earlier inspected the property and submitted a report on 01.10.2018. The said report was not objected to at the relevant time. The present application has been filed seeking re-inspection in order to measure not only the plaintiff's property but also the defendant's property.

5. The suit is for declaration with respect to the red-marked portion allegedly encroached upon by the defendant. In order to establish such encroachment, measurement of the defendant's property is necessary. Earlier, only the plaintiff's property was measured.



6. Therefore, the petitioner is justified in seeking re-inspection. The finding of the learned trial Judge is unsustainable.

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7. Accordingly, the order passed by the learned trial Judge in I.A.No.7 of 2025 in O.S.No.6 of 2021 on the file of the Subordinate Court at Paramathi, is set aside. The Advocate Commissioner is directed to measure both the plaintiff's and the defendant's properties, in survey numbers 397/2B, 397/2C & 397/2E with the assistance of a qualified surveyor, at the cost of the plaintiff.

8. This Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

22-04-2026

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

1. Velusamy
S/o. Kaliannan, D.No.4/74,
Bommakappalayam, Kavundipalayam
Post, Paramathi Velur Taluk,
Namakkal District.

2. The Subordinate Court, Paramathi.

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



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T.V.THAMILSELVI J.
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