



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

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CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3304 of 2026 AND CMP NO. 14285 OF 2026

R.Radhakrishnan

Petitioner(s)

Vs

1.R.Sunitha

2.A.Kaleel Rahman

3.C.Damodaran

4.K.Suganya Latha

5.S.Sudharani

6.C.D.Sivakumar

7.The Government Surveyor
North Zone, Coimbatore Corporation,
North Balasundaram Road,
Pappanaickenpalayam,
Coimbatore 641 037.

Respondent(s)

PRAYER

To set aside the fair and final order dated 09-03-2026 made in IA.No.6 of 2025 in OS.No.1172 of 2021 on the file of the I Addl.Subordinate Judge, Coimbatore.

For Petitioner(s): Mr.C.Deepak Kumar

For Respondent(s): Mr.V.Balakrishnan,GA For R7



ORDER

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This Civil Revision Petition has been filed, challenging the impugned order dated 09.03.2026 passed by the I Additional Subordinate Judge, Coimbatore in I.A. No.6 of 2025 in O.S. No.1172 of 2021.

2.Under the aforesaid order, an application filed by the petitioner, who is the second defendant in the suit seeking for appointment of an Advocate Commissioner to inspect and measure the properties of the petitioner/second defendant has been dismissed. The Trial Court while dismissing the application, has given the following reasons:

a)The petitioner/second defendant has come forward with the application for appointment of an Advocate Commissioner at the stage of defendants' side evidence;

b)There is no pleadings whether the legal heirs of Chinnaasamy were also the parties to the present proceedings;

c)The petitioner has brought out the new facts in respect of the existence of the 15 feet wide common pathway on the western side running north to south and regarding the 15 feet wide common pathway on the northern side of the petition mentioned property running east to west which were not specified in the plaint and no suit claim is sought for by the first respondent/plaintiff with



respect to the existence and therefore, the relief sought for by the petitioner seems to be of the nature trying to collect evidence through appointment of Commissioner;

d) There is no dispute with regard to the identification of the suit property, whereas the petitioner has come forward with the application seeking for appointment of an Advocate Commissioner with the existence of the common pathway on the western and northern side of the petition mentioned property;

e) There is no clarity as to whether the superstructures were built in the suit property or in the property of the defendants and in such circumstances, the possession and ownership of the superstructures could only be adjudicated after full fledged trial;

f) The Advocate Commissioner cannot be appointed for collection of evidence of possession or ownership.

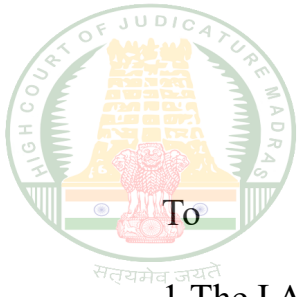
3. Admittedly, the petitioner is the second defendant in the suit and only during the trial, when the suit was posted for defendants' side evidence, I.A. No.6 of 2025 seeking for appointment of an Advocate Commissioner was filed by the petitioner/second defendant. The Trial Court under the impugned order has given proper reasons for rejecting the petitioner's application seeking for appointment of an Advocate Commissioner. Only under exceptional circumstances, a Civil Revision Petition can be entertained by this Court. This Court does not find any infirmity in the reasons given by the Trial Court for



rejecting the petitioner's application. There is no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected CMP is closed. No costs.

17-06-2026

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



CRP No. 3304 of 2026



To

1. The I Additional Subordinate Judge, Coimbatore

2. The Section Officer, VR Section,

High Court, Madras.



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ABDUL QUDDHOSE J.

vga

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