



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

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

**CRP No. 3487 of 2025
and CMP.No.18928 of 2025**

1. G.Janaki,
W/o.K.Gopal, residing at No.2, Bharathidasan
Street Extension, Lakshmipuram, Chrompet,
Chennai -600 044.
2. K.Gopal,
S/o.Late Kuppusamy, residing at No.2,
Bharathidasan Street Extension, Lakshmipuram,
Chrompet, Chennai -600 044.

..Petitioner(s)

Vs

1. D.Ashok Kumar,
S/o.Dhanapal, residing at No.12, Kumarasamy
Achary St., Lakshmipuram, Chrompet, Chennai
-600 044.
2. A.Valli,
W/o.Ashok Kumar, residing at No.12,
Kumarasamy Achary St., Lakshmipuram,
Chrompet, Chennai -600 044.
3. The Executive Officer,
Thiruneermalai Town Panchayat,
Thiruneermalai, Chennai. (Presently merged
with Tambaram Municipality, Office at
Chrompet, Chennai.)

..Respondent(s)

Prayer:

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and final order dated 3.1.2025 passed in I.A.No.1 of 2024 in A.S.No.5 of 2022 in O.S.No.171 of 2009 on the file of the Subordinate Court,



Alandur and for any other relief or reliefs that may be appropriate in the present circumstances of the case and thus render justice.

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For Petitioner(s):	Mr.K. VENKATESAN
For Respondent(s):	MR.T.S.Vijaya Raghavan FOR RR1 & 2 R3 - BATTA DUE

ORDER

Challenging the impugned order passed by the Appellate Court in I.A. No.1 of 2024, the appellants/plaintiffs have preferred the present revision.

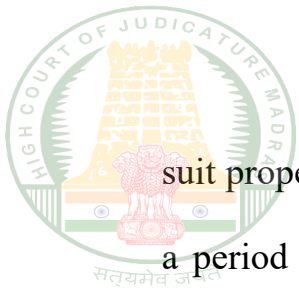
2. The learned counsel for the petitioners submitted that they had approached the Trial Court seeking a declaration of easementary right by relying upon Ex.A2, the sale deed dated 17.03.1984, in order to establish their right. According to the learned counsel, the Trial Court failed to properly appreciate the said document and erroneously dismissed the suit. Aggrieved thereby, they preferred A.S. No.5 of 2022. During the pendency of the appeal, they filed I.A. No.1 of 2024 seeking appointment of an Advocate Commissioner to note down the physical features of the suit property and thereby establish their easementary right. However, the Appellate Court dismissed the said application, aggrieved that present revision.



3. The learned counsel further submitted that the report of the Advocate Commissioner would enlighten the Court regarding the existence of the pathway and their easementary right of access from Kumarasamy Achary Street through the rear side of their property. According to the petitioners, such right has already been conferred under Ex.A2, but the Court below failed to afford them an opportunity to establish the same.

4. Per contra, the learned counsel appearing for the respondents submitted that the entire findings of the Trial Court are under challenge in A.S. No.5 of 2022 and that the appellants have once again raised the same contention that Ex.A2 was not properly appreciated. It was further submitted that, if the Appellate Court finds it necessary, it may appoint an Advocate Commissioner even at a later stage. However, appointment of a Commissioner for the limited purpose of noting down the physical features would not cause any prejudice to the respondents.

5. According to the plaintiffs, they are having a right of access from Kumarasamy Achary Street through the rear side of their property. In order to establish the physical features and the existence of the pathway, the report of the Advocate Commissioner would be just and necessary. Therefore, this Court is inclined to set aside the impugned order and direct the Appellate Court to appoint an Advocate Commissioner to note down the physical features of the



suit property at the cost of the plaintiffs/appellants and to submit a report within a period of four weeks. Thereafter, the Appellate Court shall dispose of A.S. No.5 of 2022 within a period of twelve weeks.

6. Accordingly, this Civil Revision Petition is disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

22-06-2026

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

MPA

To

1. The Subordinate Court, Alandur
2. The Executive Officer,
Thiruneermalai Town Panchayat,
Thiruneermalai, Chennai. (Presently merged
with Tambaram Municipality, Office at
Chrompet, Chennai.)
3. The Section Officer, VR section,
High Court of Madras.



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T.V.THAMILSELVI, J.

MPA

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