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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 2647 of 2024
and CMP No.13861 of 2024

CNR: {HCMA011139432024}

Case QR

N. Rangasamy (died)

1. Angathal
W/o. Late N. Rangasamy, Res. at No.2/168,
Pillayar Temple St, Chengathurai, Chengathurai
Village, Kadampadi Post, Sulur Tk,
Coimbatore Dt.

1. R. Mani
D/o. Late N. Rangasamy, W/o. Rajan (Late)
Res. at No.2/168, Pillayar Temple St,
Chengathurai, Chengathurai Village,
Kadampadi Post, Sulur Tk, Coimbatore Dt.

2. R. Mayilsamy
S/o. Late N. Rangasamy, Res. at No.2/168,
Pillayar Temple St, Chengathurai, Chengathurai
Village, Kadampadi Post, Sulur Tk, Coimbatore
Dt.

3. R. Senniappan
S/o. Late N. Rangasamy, Res. at No.2/168,
Pillayar Temple St, Chengathurai, Chengathurai
Village, Kadampadi Post, Sulur Tk,
Coimbatore Dt.

..Petitioner(s)

Vs

C.Ranganathan
S/o. Chinnappan, Eari Thottam, Near K.A.S.
Krishna Garden, Kangeyanpalayam Village (PO),
Sulur Tk, Coimbatore Dt.

..Respondent(s)

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PRAYER

Petition filed under Article 227 of the Constitution of India praying to allow the above CRP by setting aside the fair and decretal order dated 20.03.2024 passed in IA No.06 of 2023 in OS No.985 of 2017 the file of the District Munsif Court, Sulur.

For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s): Mr.V.Anandhamurthy

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in in IA No.06 of 2023 in OS No.985 of 2017, dated 20.03.2024, the file of the District Munsif Court, Sulur. wherein the application filed by the petitioners/plaintiffs under Order XXVI Rule 9 of CPC, to direct the Commissioner to revisit the property and to note down the physical features more particularly the common vaikal and underground pipeline area, came to be rejected by the Court below.

2. Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the respondent.

3.This Court carefully considered the submissions made on either side and the materials available on record. This Court also went through the order passed by the Court below.

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4.The petitioners are the plaintiffs who have filed the suit in OS.No.985 of 2017, seeking for the relief of permanent injunction. Pending the suit, IA.No.56 of 2018, was filed for appointment of an Advocate Commissioner and this application was allowed and the Advocate Commissioner was appointed and a survey was conducted and a report was also filed.

5.The present application in IA.No.6 of 2023 was filed to direct the Commissioner to revisit the suit property to note down the physical features and more particularly the common vaikal and underground pipeline.

6.The Court below has dismissed the application on the ground that the suit has been filed for permanent injunction and that both the parties will have to let in evidence regarding the existence of the common vaikal and underground pipeline and its usage and if ultimately the Court wants to clarify the existence of the same, at that point, the Court below can appoint an Advocate Commissioner. Aggrieved by the said order, the present CRP has been filed before this Court.

7.When the matter was taken up for hearing, the learned counsel for the respondent submitted that the respondent has no objection in the Advocate

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Order QR

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Commissioner revisiting the property and noting down the physical features by measuring the suit property with the help of the surveyor and more particularly the common vaikal and underground pipeline.

8.In the light of the above stand taken by the respondent/defendant, there shall be a direction to the Court below to issue warrant to the previous Commissioner to revisit the property and to submit a report.

9.In the result, this CRP is disposed of in the above terms. There shall be a direction to the District Munsif Court, Sulur, to dispose of the suit in OS.No.985 of 2017, within a period of four months from the date of receipt of copy of the order.

10.Accordingly, this Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

04-11-2026

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

District Munsif Court, Sulur.

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N.ANAND VENKATESH, J.

KP

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