



WEB COPY

CRP No. 4436 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 4436 of 2024 and
CMP.No.24713 of 2024**

1. Gowrishankar

2.Kaliammal

Petitioners

Vs

1. Vijayalakshmi

2.Ramayee

3.The Junior Engineer
TANGEDCO, Kabilar Malai, Paramathi
Velur Taluk, Namakkal District

4.The Assistant Engineer
TANGEDCO, Kabilar Malai, Paramathi
Velur Taluk, Namakkal District

5.The Executive Engineer
TANGEDCO, Kabilar Malai, Paramathi
Velur Taluk, Namakkal District

6.The Superintending Engineer
TANGEDCO, Kabilar Malai, Paramathi
Velur Taluk, Namakkal District

Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying to set aside the Fair and Final order dated 27.07.2023 passed by the



Learned District Munsif, Paramathi in IA.No.1 of 2023 in IA No.96/2018 in OS No.4/2018.

For Petitioner(s): L.Mouli

For Respondent(s): Mr.S.Nambi Arooran for R1 & R2
for M/s. Ajmal Associates

ORDER

The Civil Revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking to restore the application filed by the petitioner for appointment of Advocate Commissioner.

2. The Respondents 1 and 2 herein filed a suit for mandatory injunction directing the defendants 3 to 6 to give electric connection in favour of petitioners/defendants 1 and 2 in respect of Well situated in Survey No. 298 / 1. They also sought for mandatory injunction directing the petitioners not to take water in common Well situated in Survey No. 298/1 to any other survey number including the Survey No.286/3. While the suit was pending, the petitioners herein filed an application in IA.No.96 of 2018 seeking appointment of Advocate Commissioner. The said application was allowed and the petitioners



were directed to pay a remuneration of Rs.3,000/- to the Advocate Commissioner. However, the petitioner failed to take any steps to facilitate Advocate Commissioner's local visit. Therefore, the said application filed by the petitioner was dismissed on 22-02-2023.

3. It is seen from the impugned order that the Advocate Commissioner was appointed by the trial court on 18-09-2018. As the petitioner failed to take any steps, the said application was dismissed after 5 years on 22-02-2023. Subsequently, the Advocate Commissioner also returned his warrant to the court on 06-03-2023. In these circumstances, the petitioner herein filed instant application seeking restoration of the earlier application which was dismissed for default of the petitioner.

4. The facts narrated above would indicate that though Advocate Commissioner was appointed as early as 18-09-2018, the petitioner failed to take any steps to facilitate local visit by Advocate Commissioner for 5 years and due to his default, the petition was dismissed. However, the suit is for mandatory injunction seeking direction to respondents 3 to 6 not to give any service connection in favour of petitioners. The main issue involved in the suit is to be decided based on the rights of the parties to fetch water in the Well



situated in suit survey number and the same shall be established by documentary evidence. Appointment of Advocate Commissioner may not be necessary to decide the said controversy. In any event, in the case on hand one opportunity was given to the petitioner and the trial court appointed Advocate Commissioner but he failed to capitalise and take any steps for local visit for nearly 5 years. In these circumstances, the Trial Court rightly dismissed the application filed by the petitioners. I do not find any serious error in the impugned order passed by the Trial Court. Accordingly, the Civil Revision Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

08-01-2026

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

To

1. The District Munsif, Paramathi
2. The Junior Engineer
TANGEDCO, Kabilar Malai, Paramathi
Velur Taluk, Namakkal District
3. The Assistant Engineer
TANGEDCO, Kabilar Malai, Paramathi
Velur Taluk, Namakkal District



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4. The Executive Engineer
TANGEDCO, Kabilar Malai, Paramathi
Velur Taluk, Namakkal District

5. The Superintending Engineer
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