



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3843 of 2025 and CMP No.20411 of 2025

1. Mariammal
W/o Palanisamy, NO.124/64, Gobi Main
Road, Kunnathur, Rep by her Power Agent
T.P.Murugesan, S/o M.Palanisamy,
No.64/1, Gobi Main road, Kunnathur,
Avinashi Tk, Tiruppur Dt

Petitioner(s)

Vs

1. N.Vignesh
S/o M.K.Nataraj, No.516, Uthukulli Road,
Kunnathur, Avinashi Tk, Tiruppur Dt

2.N.Arunkumar
S/o M.K.Nataraj, No.516, Uthukulli Road,
Kunnathur, Avinashi Tk, Tiruppur Dt

Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decretal order dated 21.07.2025 passed in I.A.No.87 of 2025 in O.S.No.09 of 2020 on the file of District Munsif-cum-Judicial Magistrate Court, Uthukuli.

For Petitioner(s): K.Govi Ganesan

For Respondent(s): M/s.S. Kaithamalai Kumaran
for R.1
R2- Refused



ORDER

Challenging the order passed by the trial Judge in I.A.No.87 of 2025 dated 21.07.2025, the plaintiff has preferred the above revision.

2. Before the trial court, the plaintiff filed an application in I.A.No.87 of 2025 under Order XXVI Rule 9 read with Section 151 of Civil Procedure Code for reissue of commission to the same Advocate Commissioner, with the assistance of a qualified surveyor and the Village Administrative Officer for proper identification and demarcation of the suit schedule property.

3. Learned counsel for the petitioner/plaintiff submits that already Commissioner was appointed and he visited the property and submitted a Report stating that the property cannot be located. Therefore, again, re-visit, sought by the first defendant for the same purpose, is not maintainable, but, the trial Court has erroneously allowed the petition. Aggrieved by the same, the present revision has been filed.

4. Learned counsel for the respondents/defendants 1 and 2 submits that now the Commissioner wanted to visit the property with a qualified Surveyor in order to make identification, which was not exercised earlier. Therefore, the trial Court has rightly allowed the petition, which does not require any interference.



5. I have considered the submissions made by the learned counsel on either side.

6. The fact reveals that it is a suit for declaration to decide the right of the property, the topographic boundaries and extent which are under dispute, which have to be necessary proved by both the parties. For that, a Report of the Commissioner along with Surveyor is necessary to enable the parties to put forth their defence before the trial Court.

7. Therefore, the reasons assigned by the trial court are sustainable and I do not find any ground to interfere with the order passed by the trial Judge in I.A.No.87 of 2025 dated 21.07.2025.

8. In the result, the civil revision petition is dismissed. No costs. The learned Advocate Commissioner is directed to execute the warrant and submit the Report as early as possible. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2026

sr
Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order



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T.V.THAMILSELVAM

sr

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