



WEB COPY

C.R.P.No.3998 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.02.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3998 of 2025
and CMP.No.20802 of 2025

1. V.S. Rajeshwari
2. S. Vengeeswari

..Petitioners

vs.

1. E. Chandra
2. E. Anandhan
3. E. Ramu
4. E. Srimari
5. K. Hari
6. K. Balu
7. K. Vijay
8. K. Yuvaraj
9. The State of Tamil Nadu
Rep by District Collector Chennai District,
Chennai 1.
- 10.The Tahsildar
Mambalam Taluk, Office at Chennai 78.
- 11.The Sub Registrar
Ashok Nagar, Chennai 83.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair order dated 31.07.2025 passed in I.A.No.5 of 2024 in O.S.No.4301 of 2018 on the file of the VI Additional City Civil Court, Chennai and consequently to appoint an Advocate to note down the physical measurement of each portion 'as and is' condition and file a report before that VI Additional City Civil Court, Chennai, in O.S.No.4301 of 2018.



For Petitioners : Mr.G.Abraham Prabhu
For Respondents :Mr.N.Muthuvel
Government Advocate R9 to R11
M/s.T.Paranthaman for R1&R3 to R8

ORDER

This Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioner seeking appointment of Advocate Commissioner.

2. The petitioner herein filed a suit seeking declaration that sale deeds executed by one Easwaran in favour of defendants 2 to 8 were null and void and also for relief of partition of his 1/6th share in the plaint 'A' schedule property and separate possession.

3. Pending suit, the instant application has been filed seeking appointment of Advocate Commissioner. In the affidavit filed in support of the petition seeking appointment of Advocate Commissioner, it was stated by the petitioner that during cross examination of DW.1, he attempted to suppress the proper description of the suit property. Therefore, the appointment of Advocate Commissioner shall be made. It is also stated that the defendants attempted to evict the petitioners from the portion of the suit



property, in which she is residing. The trial Court dismissed the application filed by the petitioner and aggrieved by the said order, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would submit that the witness examined on behalf of the respondent failed to mention proper description of the suit property and therefore, in order to ascertain the same, the appointment of Advocate Commissioner is absolutely necessary.

5. The prayer sought for in the suit is for declaration of certain settlement deed executed by Easwaran in favour of defendants 2 to 8 as null and void, and for partition. Therefore, to determine the validity of the registered document and to determine a share of the parties in the suit property, appointment of Advocate Commissioner is not at all necessary. The question of appointment of Advocate Commissioner will arise in suit for partition only after passing of preliminary decree. Therefore, at this stage, absolutely, there is no necessity for appointment of Advocate Commissioner, when the petitioner described the property in the plaint schedule. In the pleadings, there is no dispute with regard to the identity of the property. In such circumstances, the trial Court rightly dismissed the application.



6. I do not find any error in the impugned order, accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2026

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

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To

The VI Additional City Civil Court,
Chennai.

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S.SOUNTHAR, J.

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