



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

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

**CRP No. 4100 of 2025
and CMP.No.21182 of 2025**

Kandasamy
S/o. Ramalingam, College Road, Rajaji Nagar,
Kasbah Ariyalur, Ariyalur Dt.

..Petitioner(s)

Vs

1. Saroja
W/o. Shanmugam, Koodalur village, Thittakudi
Taluk, Cuddalore Dt. Viruththambal (dead)
2. Karpagam
W/o. Ramasamy, kaadoor village, Kunnam
Taluk, Perambalur Dt.
3. Valarmathi
W/o. Sevaraj, Parpanancheri Village, Ariyalur
Taluk, Ariyalur Dt.
4. Anitha
W/o. Alzhakappan, Serikanpoor Village,
Kunnam Taluk, Perambalur Dt.
5. Ramanathan
S/o. Paramasiva Udayar, Kaadoor Village,
Kunnam Taluk, Perambalur Dt.
6. Sakthivel
S/o. Paramasiva Udayar, Kaadoor Village,
Kunnam Taluk, Perambalur Dt.
7. The Manager
TDCC Bank, Rajaj Nagar, Ariyalur.
8. The Manager
City Union Bank, Vellalar St, Ariyalur branch.



9. The Secretary
Kaadoor Primary Agricultural Co-Operative
Bank, Kaadoor, Kunnam Taluk, Perambalur Dt.

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..Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to revise the Fir and Decreetal orders passed in IA No.2 of 2025 in OS No.15 of 2014 dated 04.08.2025 on the file of Additional District Judge, Ariyalur District.

For Petitioner(s): MR.S.Kamadevan

For Respondent(s): MR.A.V.RAJA FOR RR1 TO 4
R-5 TO R7 - NO APPEARANCE
MR.K.R.Ananda Gomathy FOR R8
MR.A.ANANDAN GA FOR R9

ORDER

Challenging the impugned order passed in IA No.2 of 2025 in OS No.15 of 2014 dated 04.08.2025 on the file of Additional District Judge, Ariyalur District, the present revision has been filed.

2. Before the Trial Court, the first defendant filed an application in I.A.No.2 of 2025 seeking to scrap the Advocate Commissioner's report and to appoint a new Advocate Commissioner, for the reasons stated in the ground as under:



“C. The learned Judge failed to appreciate the fact that the Commissioner report is the basis for passing the final decree and if there are errors with reference to the extent and the survey numbers, it could not be corrected or rectified after passing the final decree. It is needless to state that it is settled law that the Advocate Commissioner is only a facilitator of the Court and the same is not adjudicatory of the rights of the parties. That being the legal position, when the discrepancies are pointed out by way of objections, the Trial Court should not have considered the same in a proper perspective and should not have dealt with very casually. The discrepancies pointed out by the petitioner is as follows:

Sl.No	Preliminary Decree	Discrepancies in the report
1.	As per the preliminary decree the items 1, 2, 6, 8, 14, 31, 32, 45 & 48 of Schedule A and C should be excluded and remaining items alone should be partitioned and allot 1/4th share each to respondents 2 to 5 herein. As for as the “B” Schedule, the suit was dismissed.	a) The Advocate Commissioner changed the Survey number of 45th item from 256/1 as 256/2 and treated the same as item 46 and allotted the same to 3rd respondent. But the 45th item is excluded from the partition. b) the survey No of the 9th item is wrongly shown as 18/18 instead of 19/18. c) The item 48 is excluded property but



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		shown by the commissioner and again allotted to petitioner. d) Further, the suit was dismissed in respect of “B” schedule as per the preliminary decree but the same was included by the Advocate Commissioner and 1/5 share was allotted to the petitioner.
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3. However, the Court below was not inclined to grant such relief and dismissed the application. Aggrieved by the same, the first defendant has preferred the present revision.

4. By way of reply, the learned counsel for the respondents submits that, while visiting the property, the Advocate Commissioner excluded the items which were not covered under the preliminary decree and measured the property with the assistance of the Village Administrative Officer and the Surveyor, and thereafter submitted the report. It is further submitted that, only in order to drag on the proceedings, the first defendant has come forward with the present



application and that the Trial Court has rightly dismissed the same, which requires no interference.

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5. It is seen that, before the Trial Court, the first defendant had filed objections to the Commissioner's Report contending that the property ought to have been measured with the assistance of the Surveyor. However, a perusal of the Commissioner's report reveals that the warrant was executed with the assistance of both the Village Administrative Officer and the Surveyor, and thereafter the report was submitted. Therefore, the reasons stated by the first defendant are not sustainable.

6. The suit is of the year 2014. hence, the parties are directed to work out their remedies during the course of the final hearing proceedings. Accordingly, the Civil Revision Petition stands dismissed as devoid of merits.

7. The Trial judge is directed to dispose of the suit within a period of 3 months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

28-04-2026

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



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T.V.THAMILSELVI, J.

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To

1. The Manager
TDCC Bank, Rajaj Nagar, Ariyalur.
2. The Manager
City Union Bank, Vellalar St, Ariyalur branch.
3. The Secretary
Kaadoor Primary Agricultural Co-Operative
Bank, Kaadoor, Kunnam Taluk, Perambalur Dt.
4. The Section Officer, VR section,
High Court of Madras.

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