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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

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THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Revision Petition Nos.6729 & 6730 of 2026
& CMP.No.28995 & 28996 of 2026

CNR:{HCMA012226132026}

1. Valliammal
   W/o. Subbaiyan,
   No.4/167,
   Muthukallur,
   Velliyankadu Village,
   Mettupalayam,
   Coimbatore District.

2. Rathinam
   W/o. Bathirasamy,
   No.4/177,
   Muthukallur,
   Velliyankadu Village,
   Mettupalayam,
   Coimbatore District.

...Petitioners in both CRPs

Vs

1. Varadharaj
   S/o. Subbaiyan,

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No.1/146-G, Vijaya Nagar,
Kaalampalayam Village,
Mettupalayam Taluk,
Coimbatore District.

2. Jayabharathi
W/o. Varadharaj,
No.1/146-G, Vijaya Nagar,
Kaalampalayam Village,
Mettupalayam Taluk,
Coimbatore District.

...Respondents in
both CRPs

PETITIONS under Article 227 of The Constitution of India praying to call for the records on the file of the Sub Court, Mettupalayam respectively in I.A.Nos.11 and 10 of 2025 in O.S.No.111 of 2020 and quash the impugned fair and decretal orders dated 12.6.2026 passed therein.

For Petitioners in
both CRPs: Mr.J.Ashok

COMMON ORDER

These civil revision petitions have been filed under Article 227 of The Constitution of India against the orders dated 12.6.2026 passed respectively in I.A.Nos.11 and 10 of 2025 in O.S.No.111 of 2020 on the file of the Sub Court, Mettupalayam (for short, the

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Court below) wherein the applications filed by the petitioners/ plaintiffs for reopening and for appointment of an advocate commissioner to inspect the suit property and submit a report along with a sketch, came to be dismissed.

2. Heard the learned counsel for the petitioners.

3. This Court has carefully considered the submissions of the learned counsel for the petitioners and perused the materials available on record and more particularly the impugned orders.

4. The petitioners, who are the plaintiffs, filed the said suit seeking for the relief of declaration to declare that they were entitled to use a cart track and for permanent injunction restraining the respondents/defendants from interfering with their peaceful possession and enjoyment of the cart track.

5. When the said suit was at the stage of final hearing, the petitioners/plaintiffs filed the said applications seeking to reopen the said suit and for appointment of an advocate commissioner to

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inspect the suit property and file a report along with a sketch with the assistance of the Taluk Surveyor.

6. However, the Court below dismissed the said applications by the impugned orders. Aggrieved by that, the above civil revision petitions have been filed before this Court.

7. On going through the records, it is seen that the evidence on the respondents/defendants is completed on 08.12.2023. Thereafter, the said suit was adjourned on 35 occasions for arguments on the side of the petitioners/plaintiffs. Only on the 36th hearing date, the said applications were filed before the Court below. The Court below, apart from considering the exorbitant delay in moving the said applications, has also taken into consideration the fact that the advocate commissioner could not be appointed for collecting evidence and rendered a finding that the said applications were filed only to drag on the proceedings. The impugned orders passed by the Court below do not suffer from any perversity warranting the interference of this Court.

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8. The petitioners/plaintiffs are relying upon certain documents to substantiate their right and the evidence has already been let in by both sides. Therefore, at the fag end, without any justification, the said applications were filed without even explaining as to why the petitioners/plaintiffs waited for 35 adjournments to file the said applications. The said applications lack merits and they have been rightly dismissed by the Court below.

9. In the light of the above discussions, the civil revision petitions are dismissed and the impugned orders dated 12.6.2026 passed respectively in I.A.Nos.11 and 10 of 2025 in O.S.No.111 of 2020 on the file of the Sub Court, Mettupalayam stand confirmed. Consequently, the connected CMPs are also dismissed.

27-10-2026

To
The Sub-Court, Mettupalayam.

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