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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-11-2026**

CORAM

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH**

**Civil Revision Petition No.6983 of 2026**

*CNR: {HCMA012322662026}*

Case QR

K.R.Ravi
S/o Late K.G.Rajendiran,
Permanently Residing at
Kammavarampatti Village,
Ulli Village Madura,
Gudiyattam Taluk,
Vellore District & also
temporarily Residing at
No.2-61/100, Gandhi Road,
ZuZu Vadi, Hosur Taluk,
Krishnagiri District

...Petitioner

Vs

K.Kalpana, W/o E.Kumar,
Residing at Kammavarampatti Village,
Ulli Village Madura, Gudiyattam
Taluk, Vellore District.

...Respondent

PETITION under Article 227 of The Constitution of India against the order dated 27.4.2026 passed in I.A.No.2 of 2024 in



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O.S.No.131 of 2024 on the file of the District Munsif Court, Gudiyattam, Vellore District.

For Petitioner: Mr.I.Calvin Jones

**ORDER**

This civil revision petition has been filed under Article 227 of The Constitution of India against the order dated 27.4.2026 passed in I.A.No.2 of 2024 in O.S.No.131 of 2024 on the file of the District Munsif Court, Gudiyattam, Vellore District (for short, the Court below) wherein the application filed by the petitioner/plaintiff for appointment of an advocate commissioner under Order XXVI Rule 9 of the Civil Procedure Code (CPC) to measure the B schedule property, to note down its physical features with the help of a surveyor and to file a report along with a plan, came to be dismissed.

2. Heard the learned counsel for the petitioner.

3. This Court has carefully considered the submissions of the learned counsel for the petitioner and perused the materials



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available on record and more particularly the impugned order.

4. The petitioner, who is the plaintiff, filed the said suit seeking for the relief of mandatory injunction and permanent injunction. The specific case of the petitioner/plaintiff is that there was a partition among the parties, that the respondent/defendant sold her properties along with 1/4th share in the B schedule property to one Mr.Kothandan and that she did not have any right or title over the B schedule property. When an attempt was made by the respondent/defendant to put up a construction in the B schedule property, the said application came to be filed seeking to appoint an advocate commissioner to note down the physical features of the B schedule property, measure the same and submit a report.

5. But, the Court below dismissed the said application on the ground that it was filed to collect evidence and that the same was beyond the scope of Order XXVI Rule 9 of the CPC.

6. The specific case of the petitioner/plaintiff is that the respondent/defendant sold her properties along with her 1/4th share



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in the B schedule property; that an attempt was made by the respondent/defendant to put up a construction in the common property, over which, she did not have any right; and that in order to ascertain the physical features of the B schedule property and measure the same, the said application came to be filed.

7. This Court has been repeatedly holding that the report of an advocate commissioner would only enable the Courts to effectively dispose of the suit while considering the relief sought for. Unless and otherwise there is an urgency in dealing with the application for appointment of an advocate commissioner, the Court must keep it pending and allow both the parties to let in evidence. After the parties let in evidence, the Court must assess the evidence and see if the report of the advocate commissioner is necessary for the Court to effectively dispose of the suit.

8. In the case in hand, the parties are relying on certain documents and therefore, the parties must be first allowed to let in oral and documentary evidence and thereafter, the Court must consider the appointment of an advocate commissioner if the report



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is required to corroborate the findings of the Court below. The proceedings cannot commence with the report of an advocate commissioner and it cannot be built on the foundation of the report of the advocate commissioner. That is exactly what has been attempted to be done in this case.

9. In the light of the above discussions, the Court below shall proceed further to record the evidence on both sides and finally shall take a call as to whether an advocate commissioner has to be appointed to support its findings in the said suit and consider the report as a piece of evidence. This observation will sufficiently take care of the grievance expressed by the petitioner.

10. In the result, the civil revision petition is disposed of in the above terms while sustaining the order dated 27.4.2026 passed in I.A.No.2 of 2024 in O.S.No.131 of 2024 on the file of the District Munsif Court, Gudiyattam, Vellore District.

**05-11-2026**



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To
The District Munsif Court,
Gudiyatham, Vellore District.

RS



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**N.ANAND VENKATESH,J**

RS

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