



WEB COPY



CRP No. 5100 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP No. 5100 of 2025
and CMP No.25709 of 2025**

1. K.Rajeswari
W/o.M.Kailasamuthy, Rest.at S.F.No.516/3,
Opp to EB Office, Annamar Kovil, Punjai,
Kolanalli Village, Kodumudi Tk., Erode
Dist.

Petitioner(s)

Vs

1. K.Subramaniam
S/o.Krishna Gounder, Rest.at Velangkathur,
Kolathupalayam Village, Kodumudi Tk.,
Erode Dist.

Respondent(s)

For Petitioner(s): V.S.Kesavan

For Respondent(s): V.K.Vengadesh Durai Raja

ORDER

The judgment debtor/defendant, aggrieved by the dismissal of an application in E.A.No.3 of 2023 for appointment of Commissioner, is the revision petitioner.



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2. The petitioner had suffered a decree in O.S.No.406 of 2016 on the file of the I Additional Sub Court, Erode. The suit was admittedly one for recovery of money. The decree was put to execution and admittedly, even according to the learned counsel for the petitioner, the decree has become final and it has not been challenged by way of preferring a first appeal.

3. Pending execution petition, the petitioner sought for an appointment of Advocate Commissioner on the ground that the property, which is now sought to be proceeded against, is not a vacant land and there is a house constructed thereon and the petitioner is doing business and therefore, he sought for appointment of Commissioner since it was the case of the decree holder that the property which is sought to be attached and sold is a vacant land.

4. The said application was resisted by the decree holder and the executing court dismissed the application finding that for ascertaining the market value, the Court Bailiff has already visited the property physically and noted the existence of the building and also the physical features.

5. In the light of the above, I do not see any necessity for appointment of a



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Commissioner and in view of the fact that the existence of the building has already been taken note of and the value of which has also been considered and factored before arriving at the upset price.

6. I do not see any merit in the revision. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.02.2026

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

To

The I Additional Sub Court, Erode



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P.B.BALAJI,J

sr

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