Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6858 of 2026
and CMP No.29451 of 2026

CNR:{HCMA012383232026}

K.Renuga

Petitioner(s)

Vs

Thangaraj (Died)

Anandha Kumar (Died)

1. J. Jayasanthi

2.T. Enbaraj

3.B. Arulmani

4.G. Kanagalakshmi

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India praying to against the order dated 15.07.2026 made in IA No.7/2026 in IA No.5/2024 in the suit are incorrect, illegal, untenable, perverse and liable to be set aside and the Advocate Commissioner should be directed to revisit the Suit Property for proper execution of the Warrant issued by the Court and accordingly, reopen IA No.5/2024 which was closed on 28.04.2026 with liberty, for enquiry based on the objections or to permit filing a fresh Petition for appointment of an Advocate Commissioner to execute the Warrant dated 16.06.2026 issued by the court properly.

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For Petitioner(s): Mr. T.M.Naveen

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order made in IA No.7/2026 in IA No.5/2024 dated 15.07.2026, wherein the application filed by the petitioner/2nd defendant to reopen the application and to direct the Advocate Commissioner to revisit the property, came to be rejected by the Court below.

2.Heard the learned counsel for the petitioner and carefully perused the materials available on record. This Court also went through the order passed by the Court below.

3.The respondents 1 to 4 are the plaintiffs who filed the suit in OS.No.1979 of 2006, seeking for the relief of mandatory injunction and permanent injunction. During the pendency of the suit, IA.No.5 of 2024 was filed by the plaintiffs for appointment of an Advocate Commissioner and for submitting a report. This application came to be allowed by the Court below and the Advocate Commissioner had inspected the property, measured the same and submitted a report along with a plan.

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4.The petitioner who is the 2nd defendant had some objections to the report of the Advocate Commissioner on the ground that the Advocate Commissioner has not complied with one of the direction that was given in the warrant. Hence, the application was filed for reopening the application and for a direction to the Advocate Commissioner to revisit the property and submit a report.

5.The Court below has dismissed the application by stating that the petitioner can submit his objections and there is no requirement for reopening the application. Aggrieved by the same, the present CRP has been filed before this Court.

6.In the considered view of this Court, if the petitioner has any objections to the report of the Advocate Commissioner, those objections can always be filed before the Court below. If necessary, the Advocate Commissioner can also be examined as a witness. Ultimately, the Court can broadly come to three conclusions. Either the Court can accept the report of the Advocate Commissioner and act upon the same as another piece of evidence. The second option is that the Court can scrap the report and appoint another Advocate Commissioner to revisit the property and submit a report. The third option is that if the Court finds that a revisit is required, the Court can either direct the same Advocate Commissioner or another Advocate Commissioner to revisit the

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property and specifically mention the purpose of revisit in the warrant and get an additional report filed by the Advocate Commissioner.

7.There is no question of reopening an application filed for appointment of an Advocate Commissioner. This is in view of the fact that the report of the Advocate Commissioner becomes a piece of evidence before the Court. This can be dealt with by the Court below in the manner stated supra.

8.In view of the above since the petitioner has already filed the objections to the report of the Advocate Commissioner, the Court below can deal with the same based on the observations made supra.

9.In the result, this Civil Revision Petition is disposed of with a direction to the learned II Additional District Munsif, Coimbatore, to dispose of the suit in OS.No.1979 of 2006, within a period of three months from the date of receipt of copy of the order. No costs. Consequently, connected miscellaneous petition is closed.

29-10-2026

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

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To

II Additional District Munsif,
Coimbatore.

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N.ANAND VENKATESH J.

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CRP No. 6858 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

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and CMP No.29451 of 2026

CNR:{HCMA012383232026}

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For Petitioner(s): Mr. T.M.Naveen

ORDER

Today, the matter was listed under the caption "For Being Mentioned" on the ground that, in Paragraph No.8, this Court had directed the Court below to take into consideration the objections raised by the petitioner and in Paragraph No.9, the suit has been directed to be disposed of within a period of three months. There is absolutely no contradiction between these two paragraphs. While disposing of the suit on merits, the objections raised by the petitioner with regard to the report of the Advocate Commissioner have to be taken into consideration. Ultimately, this Court had only directed the suit to be disposed of within a period of three months.

2.This Clarification will take care of the grievance expressed by the learned counsel for the petitioner.

05-11-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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Note: Issue Order Copy on 05.11.2026

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To

The II Additional District Munsif, Coimbatore.

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N.ANAND VENKATESH J.

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CRP No. 6858 of 2026

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