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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

CRP No. 6444 of 2026
and CMP No.27708 of 2026

CNR: {HCMA012400002026}

Case QR

P.Sathish Kumar
S/o. Ponnusamy Gounder,
No.3/240,
Ugayanur,
Veerapandi Via,
Tiruppur,
Tiruppur South Taluk,
Tiruppur District.

..Petitioner(s)

Vs

1. B.Karthikeyan
   S/o. Balasubramaniam,
   No.3/354,
   Eri Thottam,
   Ugayanur,
   Tiruppur,
   Tiruppur South Taluk,
   Tiruppur District.

2. P.Balasubramanian
   S/o. Ponnusamy,
   No.3/240,
   Ugayanur,
   Veerapandi Via,
   Tiruppur,
   Tiruppur South Taluk,
   Tiruppur District.

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3. B.Permalatha
W/o. Balasubramanian,
No.3/240,
Ugayanur,
Veerapandi Via,
Tiruppur,
Tiruppur South Taluk,
Tiruppur District.

4. V.Raja Chakravarthi
S/o. Venkatraman,
No.1,
Sherif Colony,
Tiruppur,
Tiruppur South Taluk,
Tiruppur District.

5. P.Senthilkumar
S/o. Ponnusam Gounder,
No.3/240,
Ugayanur,
Veerapandi Via,
Tiruppur,
Tiruppur South Taluk,
Tiruppur District.

6. B.Maheshwaran
S/o. Balasubramanian,
No.3/354,
Eri Thootam,
Ugayanur,
Tiruppur,
Tiruppur South Taluk,
Tiruppur District.

..Respondent(s)

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Prayer:

Petition filed under Article 227 of the Constitution of India praying to set aside the Docket order dated 27.07.2026 passed in IA No.480 of 2026 in OS No.184 of 2026 on the file of the Additional District Munsif Court, Tiruppur.

For Petitioner(s): Ms.R.Hemalatha

For Respondent(s): Mr.S.Vinoth Kumar for R1

Rr2 To 6 Notice Dispensed With
Vide In Court Order Dt. 05.10.2026

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order passed in IA No.480 of 2026 in OS No.184 of 2026, dated 27.07.2026, on the file of the Additional District Munsif Court, Tiruppur. wherein the petitioner/5th defendant has questioned the ex-parte order dated 27.7.2026, appointing an Advocate Commissioner, to inspect the suit property and to submit a report.

2.Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

3.This Court carefully considered the submissions made on either side and the materials available on record and this Court also went through the docket order passed by the Court below.

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4.The 1st respondent is the plaintiff who filed the suit in OS.No.184 of 2026, seeking for the relief of permanent injunction. Along with the suit, IA.No.480 of 2026, was filed under Order XXVI Rule 9 of CPC, for appointment of an Advocate Commissioner. The Court below appointed an Advocate Commissioner by ex-parte order dated 27.7.2026. Aggrieved by the same, the present CRP has been filed before this Court.

5.The learned counsel for the 1st respondent/plaintiff submitted that the petitioner also filed a suit in OS.No.147 of 2026, with respect to the present suit property and an ex-parte order was passed appointing an Advocate Commissioner and the report has also been filed. The 1st respondent/plaintiff found that the report will seriously prejudice the plaintiff and therefore along with the present suit the application was filed for appointment of an Advocate Commissioner.

6.In the considered view of this Court, appointment of an Advocate Commissioner can be resorted only to enable the Court to effectively dispose of the suit. This Court is repeatedly holding that the Court has to primarily deal with the evidence let in by them both sides and the report of the Advocate Commissioner can only be considered as a corroborative piece of evidence. However, presently there is a trend where parties straightway file an application

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for appointment of an Advocate Commissioner and based on the report, both parties develop their case and the suit is kept pending for years together without any progress and both parties keep agitating the case only based on the report of the Advocate Commissioner. This trend has resulted in many suits pending and many civil revision petitions being filed before this Court and ultimately it clogs the system.

7.In the case in hand, the petitioner seem to have filed a suit in OS.No.147 of 2026 and the Court has deemed it fit to pass an ex-parte order appointing an Advocate Commissioner. Similarly, the 1st respondent/plaintiff has filed the present suit and filed an application for appointment of an Advocate Commissioner and an ex-parte order has been passed by the Court below. If the Court below had avoided passing such orders, the same would not have resulted in filing the present CRP and the Court could have made some progress in the suit.

8.In the light of the above discussion, the Court below is directed to afford an opportunity to the petitioner/5th defendant and the 1st respondent/plaintiff and pass final orders in I.A.No.480 of 2026, within a period of four weeks from the date of receipt of copy of the order. Ultimately, the Court below shall keep in mind the observations made supra.

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9.This Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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

The Additional District Munsif Court
Tiruppur.

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N.ANAND VENKATESH, J.

KP

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