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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6827 of 2026
and CMP No.29366 of 2026

CNR:{HCMA012430222026}

Raman

Petitioner(s)

Vs

1. Dhanasekar

2.D Sathiya

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India praying to set aside the order and decree dated 29-07-2026 made in I.A.No.1/2025 in A.S.No.12/2026 on the file of the Special Sub Subordinate Judge for LAOP Cases, Arakkonam, Ranipet District.

For Petitioner(s): Mr. A.Gouthaman

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution India against the fair and decreetal order made in I.A.No.1/2025 in A.S.No.12/2026, dated 29.07.2026, on the file of the Special Sub Subordinate Judge for LAOP Cases, Arakkonam, Ranipet District, wherein the application filed by the petitioner/appellant for appointment of an Advocate Commissioner

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to inspect the property and to submit the report, came to be rejected by the Court below.

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

3.The respondents filed the suit in OS.No.113 of 2013, seeking for the relief of declaration of title and for permanent injunction and for other consequential reliefs. The suit came to be decreed by a judgment and decree dated 06.9.2022. Aggrieved by the same, the petitioner filed an appeal in AS.No.12 of 2026, before the Special Subordinate Judge for LAOP Cases, Arakkonam, Ranipet District. During the pendency of the appeal, IA.No.1 of 2025 was filed by the petitioner for appointment of an Advocate Commissioner to make a survey and to submit a report on the ground that the report of the Advocate Commissioner will enable the Court to come to a correct conclusion with regard to the extent of the property and the boundaries to effectively dispose of the appeal.

4.The Court below has dismissed the application by order dated 29.07.2026. Aggrieved by the said order, the present CRP has been filed before this Court.

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5.In the considered view of this Court, in the light of the recent judgment of this Court in ***Innasimuthu (died) & Others v. Charles & Others*** reported in ***2026 4 LW 433,*** the Court below ought to have considered the said application along with the main appeal since the report of the Advocate Commissioner will ultimately be dealt with only as an additional evidence. The Court below has chosen to deal with the application independency and rejected the same.

6.In view of the above, it is left open to the petitioner to file an application under Order XLI Rule 27 of CPC, along with the application under Order XXVI Rule 9 of CPC, and the Court below shall deal with the same while dealing with the final appeal on its own merits and in accordance with law as per the above judgment.

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

29-10-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To
Special Sub Subordinate Judge
Arakkonam, Ranipet District.

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N.ANAND VENKATESH J.

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