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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 7378 of 2026

CNR:{HCMA012435902026}

AND

CRP NO. 7379 OF 2026, CRP NO. 7380 OF 2026, CMP NO. 31789 OF 2026

1. Varadharajan
2. Venugopalan
3. Bhoopalan

..Petitioner(s)
in all CRPs

Vs

Murugesan

..Respondent(s)
in all CRPs

CRP No. 7378 of 2026

Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 10.08.2026 made in I.A.No.6 of 2025 in IA No. 2 of 2021 in O.S.No. 84 of 2021 on the file of District Munsif Court at Sendamangalam by allowing the Civil Revision Petition.

CRP No. 7379 of 2026

Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 10.08.2026 made in I.A.No.7 of 2025 in IA No. 2 of 2021 in O.S.No. 84 of 2021 on the file of District Munsif Court at Sendamangalam by allowing the Civil Revision Petition.

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CRP No. 7380 of 2026

Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 10.08.2026 made in I.A.No.5 of 2025 in IA No. 2 of 2021 in O.S.No. 84 of 2021 on the file of District Munsif Court at Sendamangalam by allowing the Civil Revision Petition

For Petitioner(s): Mr.T.L.Thirumalaisamy

COMMON ORDER

These Civil Revision Petitions have been filed against the fair and decretal order dated 10.08.2026 passed in I.A.Nos.6, 7 & 5 of 2025 in I.A.No.2 of 2021 in O.S.No.84 of 2021 on the file of District Munsif Court, Sendamangalam, wherein the applications filed by the petitioners/defendants to re-open the application filed for appointment of an Advocate Commissioner; to re-issue the warrant to the Advocate Commissioner for fresh inspection; and to receive the objections for the report of the Advocate Commissioner, came to be dismissed by the court below.

2. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

3. The respondent is the plaintiff, who filed the suit in O.S.No.84 of 2021 seeking for the relief of mandatory injunction and permanent injunction.

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During the pendency of this suit, an application was filed by the respondent/plaintiff in I.A.No.2 of 2021 for appointment of an Advocate Commissioner to inspect the property and to submit a report. The Advocate Commissioner inspected the property and filed a report on 21.04.2023. The petitioners had certain objections on the report of the Advocate Commissioner. Hence, the petitioners filed I.A.No.5 of 2025 to receive the objections; I.A.No.6 of 2025 to re-open the application for appointment of an Advocate Commissioner; and I.A.No.7 of 2025 to re-issue the warrant to the Advocate Commissioner for fresh inspection. All these applications came to be dismissed by the court below, mainly on the ground that these applications were filed with a delay of 2 ½ years after the report of the Advocate Commissioner was filed. Aggrieved by the same, the present Civil Revision Petitions have been filed before this Court.

4. The learned counsel for the petitioners submitted that the report filed by the Advocate Commissioner suffers from certain mistakes and errors, and therefore, the petitioners had to submit the objections and seek for re-issuance of warrant. It is further submitted that the case is now at the stage of examination of PW1 and for marking further documents on the side of the plaintiff.

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5. In the considered view of this Court, the court below can take on file the objections submitted by the petitioners/defendants. The court below can proceed to record evidence on both sides. After completing this process, the objections given by the petitioners/defendants can be considered, and if required, the Advocate Commissioner can be examined in the witness box. On completing this process, if the court below wants to get any further report to effectively dispose of the suit, it is always left open to the court below to re-issue warrant by properly defining the scope of reinspection. It is not necessary to waste the time for the present with the report of the Advocate Commissioner, since the suit is of the year 2021, and only now, it has reached the stage of marking of additional documents through PW1. It is made clear that any observations made by the court below while dismissing the applications will not have any bearing when the court below ultimately deals with the report of the Advocate Commissioner and the suit on merits.

In the result, these Civil Revision Petitions are disposed of in the above terms. No Costs. CMP.No.31789 of 2026 is closed.

24-11-2026

Neutral Citation: Yes/No
RKM

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To

District Munsif Court,
Sendamangalam.

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N.ANAND VENKATESH J.

RKM

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