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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.6541 of 2026
and
C.M.P.No.28205 of 2026

CNR: {HCMA012456672026}

Case QR

R.Bakkiyapirithi
D/o.S.Ravindranath

..Petitioner

Vs

1. E.Pachaiyappan
   S/o.Ezhumalai

2. T.Appandairaj,
   S/o.V.C.Dharmapalan

3. T.Geetha
   W/o.Babu

4. T.Latha,
   W/o.Mahendran

   V.C.Sreepalan (Died)

5. V.C.Devadas,
   S/o.V.Chandranatha Nainar

6. V.C.Prabhakaran,
   S/o.V.Chandranatha Nainar

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 02.07.2026 passed in I.A.No.3 of 2026 in O.S.No.109 of 2012 on the file of the learned District Munsif, Arani.

For Petitioner : Mr.L.Sarath Pandian
For Respondents : Mr.P.Mani [R1]

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 02.07.2026 passed in I.A.No.3 of 2026 in O.S.No.109 of 2012 by the learned District Munsif, Arani, wherein the application filed by the first respondent/plaintiff under Order XXVI Rule 9 CPC seeking appointment of Advocate Commissioner to inspect the suit property with the assistance of a Surveyor and to note down the physical features and file a report along with the plan, came to be allowed by the Court below.

2. Heard learned counsel for petitioner and learned counsel for first respondent and carefully perused the materials available in record. This Court also went through the impugned order.

3. The first respondent/plaintiff filed the suit in O.S.No.109 of 2012 seeking the relief of specific performance. This suit was filed in the year 2012. An application came to be filed after 14 years in the year 2026 by the first respondent/plaintiff for appointment of an Advocate Commissioner. The Court below, by order dated 02.07.2026, was pleased to allow this application and aggrieved by the same, the present revision has been filed before this Court.

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4. The application has been filed by the first respondent/plaintiff seeking appointment of an Advocate Commissioner only on the ground that the four boundaries of the suit property have not been properly explained and it is not available even in the agreement of sale. The defendants are also claiming that they are in possession and enjoyment of the property. Therefore, the report of the Advocate Commissioner will only enable the Court to effectively dispose of the suit.

5. The application filed by the first respondent/plaintiff is wholly unsustainable. Admittedly, the relief has been sought for specific performance based on an agreement of sale. If really there is *ad idem* between the parties insofar as the identity of the property is concerned at the time when the agreement of sale was entered into, there is absolutely no necessity to appoint an Advocate Commissioner to find out the boundaries. If the document does not describe the boundaries it is not known as to how the Advocate Commissioner will earmark the boundary. This application has been filed by the first respondent/plaintiff virtually to gather evidence and the Court below, without properly appreciating the same, passed the order allowing the application.

6. The Court below also took into consideration the fact that the application was filed by the plaintiff after nearly 14 years after the filing of the suit. The Court below completely missed these vital facts and allowed the

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N.ANAND VENKATESH, J.

gm

application and the order passed by the Court below certainly suffers from perversity warranting interference of this Court.

Accordingly, the order dated 02.07.2026 passed in I.A.No.3 of 2026 in O.S.No.109 of 2012 by the learned District Munsif, Arani, is set aside and this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

17-11-2026

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

To
The District Munsif,
Arani.

Civil Revision Petition No.6541 of 2026

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