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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 7420 of 2026
C.M.P.No.31930 of 2026
CNR: {HCMA012709152026}

1. Santhoshkumar
2. Indirani @ Indira Gandhi

Case QR

..Petitioner(s)

Vs

1. M.Sivabackiam

   Mylathal (Deceased)

2. Govindammal
3. Rubadevi
4. P. Thangamani
5. Sabarigiri

..Respondent(s)

Prayer:- Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, pleased to set aside the docket order in I.A.No.10 of 2024 in O.S.No.164 of 2015 dated 25.08.2026 passed by the learned I Additional District Judge, Coimbatore and thereby allow the above Civil Revision Petition.

For Petitioner(s): Mr.B.Gopalakrishnan

ORDER

The Civil Revision Petition is filed challenging the order dated 25.08.2026 passed by the trial Court in the final decree proceedings in I.A.No.10 of 2024 in O.S.No.164 of 2015.

2.The first respondent herein filed a suit for partition against the petitioners and other respondents in O.S.No.164 of 2015. The trial Court

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granted a decree for a half share in favour of the first respondent / plaintiff. Aggrieved by the same, the petitioners / defendants 4 and 5 filed a first appeal before this Court in A.S.No.463 of 2024. The first appeal was allowed by modifying the decree passed by the trial Court. As per the terms of the decree passed by the First Appellate Court, the first respondent / plaintiff was given 17/48 share and the first petitioner / fourth defendant was also allotted 18/48 share in the suit property.

3.In the meantime, final decree proceedings has been initiated by the first respondent in I.A.No.10 of 2024 based on the decree passed by the trial Court. In the final decree petition, an Advocate Commissioner was appointed to suggest the mode of division. After modification of the decree by the First Appellate Court, the first respondent filed an amendment application seeking amendment of the prayer in the final decree suitably in I.A.No.12 of 2026 and the same was allowed on 18.08.2026. On 25.08.2026, the trial Court recorded the filing of an additional counter by respondents 2, 3 and 9 therein and adjourned the matter for filing of report by the Advocate Commissioner. Aggrieved by the same, the petitioners have come before this Court.

4.The learned counsel for the petitioners would submit that though the First Appellate Court modified the share allotted to the plaintiff from ½ to 17/48 and the final decree application was also amended suitably, the trial Court failed

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to amend the warrant issued to the Advocate Commissioner earlier and hence the impugned order seeking report by the Advocate Commissioner based on the old warrant would cause prejudice to the petitioners.

5.Since, the decree has been already modified by the First Appellate Court and the final decree application has also been suitably amended by the first respondent, the Advocate Commissioner is expected to file a report taking into consideration the share allotted by the First Appellate Court in the modified decree. In case the warrant issued to the Advocate Commissioner has not been suitably amended as per the modified decree passed by the First Appellate Court, it is for the trial Court to take necessary steps to issue fresh warrant to the Advocate Commissioner. However, the impugned order passed by the trial Court need not be interfered with.

6.Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

24-11-2026

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

EP
To:-
I Additional District Judge,
Coimbatore.

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S.SOUNTHAR, J.

EP

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