



WEB COPY



C.R.P.No.6068 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.6068 of 2025

and

C.M.P.No.29908 of 2025

Periyasamy (Died)

1.Murugayan

2.Muthusamy

3.Rajasekar

4.Ravikumar

5.Jayakumar

.....

Petitioners

Vs

1.Veerappan

2.Anbu

3.Sivakumar

4.Prakash

.....

Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decretal order dated 18.08.2025 made in I.A.No.10 of 2025 in O.S.No.48 of 2016 on the file of the District Munsif Court, Paramathy.

For Petitioners

: Mr.T.L.Thirumalaisamy

For R1 & R2

: Ms.K.Sreenidhi

For M/s.E.K.Kumaresan

For R3

: Notice served

For R4

: Service awaited



C.R.P.No.6068 of 2025

ORDER

WEB COPY

This Civil Revision Petition is filed challenging the order passed by the Trial Court appointing a fresh Advocate Commissioner to measure the suit properties after scrapping the earlier report.

2. The petitioner herein filed a suit seeking declaration and permanent injunction. In the above said suit, earlier I.A.No.193 of 2016 was filed seeking appointment of an Advocate Commissioner to measure the suit properties in Survey Nos.393/4 and 393/11 with the help of surveyor. The Advocate Commissioner measured the property situated in Survey No.393/4 alone and filed a report without measuring the property situated in Survey No.393/11. Therefore, the respondents/defendants filed an instant application in I.A.No.10 of 2025 seeking re-issue of warrant to the Advocate Commissioner for the purpose of measuring the property in the other survey number also. By the impugned order, the Trial Court scrapped the earlier report and appointed a fresh Advocate Commissioner. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel for the petitioners would submit that the respondents sought for re-issue of warrant to the very same Advocate Commissioner. However, the Trial Court, without any such prayer,



C.R.P.No.6068 of 2025

scrapped the earlier report and appointed a fresh Advocate Commissioner and hence, the impugned order is liable to be set aside.

4. A perusal of the typed set of papers would indicate that the Advocate Commissioner was appointed earlier in I.A.No.193 of 2016 with a direction to measure the properties situated in Survey Nos.393/4 and 393/11 with the help of surveyor. However, the Advocate Commissioner measured only the property in S.No.393/4 and filed his report. Aggrieved by the non-measurement of the property in Survey No.393/11, an instant application was filed by the respondents. When the earlier warrant issued to the Advocate Commissioner directed him to measure both the survey numbers, the Advocate Commissioner ought to have measured the same. Therefore, the respondents have made out a case for re-issue of warrant to direct measurement of both the survey numbers. The respondents never sought for scrapping of the earlier report or for appointment of a fresh Advocate Commissioner. In such circumstances, the Trial Court is not justified in scrapping the earlier report and appointing a fresh Advocate Commissioner, in the absence of any specific prayer to the effect on the part of the respondents.



C.R.P.No.6068 of 2025

5. In view of the above, the order of the Trial Court scrapping the earlier order and appointing a fresh Advocate Commissioner is set aside. Accordingly, this Criminal Revision Petition is disposed of with the following modification :

“The Trial Court is directed to re-issue warrant to the earlier Advocate Commissioner, with a direction to measure the properties situated in Survey Nos.393/4 and 393/11 with the help of surveyor and to file a report within a period of six weeks from the date of receipt of a copy of this order. Both the petitioners and the respondents are directed to co-operate with the Advocate Commissioner and the surveyor to complete the process of measuring the suit properties.”

Consequently, connected miscellaneous petition is closed. No costs.

27.01.2026

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

Lpp



C.R.P.No.6068 of 2025

WEB COPY

To
The District Munsif Court,
Paramathy.



WEB COPY



C.R.P.No.6068 of 2025

S.SOUNTHAR.J.

Lpp

C.R.P.No.6068 of 2025
and
C.M.P.No.29908 of 2025

27.01.2026