



C.R.P.No.164 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.164 of 2026
and C.M.P.Nos.715 and 716 of 2026

1.Uma

2.Anjali

3.Arun

4.Chandra

... Petitioners

vs.

Gopal

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.5 of 2024 in O.S.No.150 of 2024 dated 02.09.2025 on the file of the Additional District Judge, Dharmapuri.

For Petitioners : Mr.M.Mahamani
for M/s.Varsha

ORDER

The Civil Revision Petition is filed challenging the order passed by the Additional District Judge, Dharmapuri in I.A.No.5 of 2024 in O.S.No.150 of 2024, dated 02.09.2025 appointing an Advocate Commissioner to inspect the suit properties and suggest mode of division as



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per the preliminary decree passed in the suit. Aggrieved by the said order, the petitioners have come before this Court.

2. It is not in dispute that the respondent herein filed a suit for partition and obtained a preliminary decree for partition of his 2/3rd share in the suit properties. Aggrieved by the said preliminary decree, the petitioners filed an appeal in A.S.No.651 of 2024 before the First Appellate Court. The stay petition filed by the petitioners have been dismissed by the First Appellate Court on 23.04.2025. In these circumstances, in the final decree proceedings the Trial Court appointed an Advocate Commissioner to suggest the mode of division. Aggrieved by the same, the petitioners have come before this Court.

3. When there is no stay in the appeal filed by the petitioners challenging the preliminary decree, the Trial Court is justified in appointing Advocate Commissioner in the final decree proceedings to suggest mode of division. I do not find any error in the impugned order passed by the Additional District Judge, Dharmapuri in I.A.No.5 of 2024 in O.S.No.150 of 2024, dated 02.09.2025.



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4. The learned counsel appearing for the petitioners submits that the petitioners are ready to offer alternate property, in lieu of the property with constructions. The said submission cannot be decided at this stage. It is open to the petitioners to raise all their objections at the time of hearing of the final decree proceedings.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petitions are closed.

19.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Additional District Judge,
Dharmapuri.



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S.SOUNTHAR, J.

dm

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