



WEB COPY

CRP No. 2099 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2099 of 2026

AND

CMP NO. 9259 OF 2026

1. Lakshmi
2. Rajathi
3. Thangam @ Thangamani
4. Renuka Devi
5. Murugavel

..Petitioner(s)

Vs

1. Selvaraj
2. Subramanian

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Final order dated 19.08.2025 made in IA. No. 398/2021 in OS.No.11/2021 on the file of the Principal District Munsif, Tiruppur.

For Petitioner(s):

Mr.R.Nandhakumar

ORDER

Challenging the impugned order dated 19.08.2025 in IA No.398 of 2021 in OS No.11 of 2021 on the file of the Principal District Munsif, Tiruppur, the defendants 2 to 6 have preferred this revision petition.



2. The defendants 2 to 6 filed a petition before the trial court under Order 26 Rule 9 CPC, to appoint an Advocate Commissioner to measure the “B” Schedule properties in accordance with sale deed dated 18.06.1997 and in accordance with Patta No.1394 issued in the name of Vadivel and to measure 'A' schedule properties with the measurement in the plaint and with Natham Patta No.1035 with assistance of town surveyor. There is no objection on the side of the plaintiff. But the petition was dismissed by the trial judge by stating that to appoint Advocate Commissioner in the said petition filed under Order 26 Rule 9 CPC, the defendant has shown 'A & B' schedule properties, in which 'A' schedule properties is no way connected with the suit properties as described in the plaint schedule. But however they have no objection to measure the properties in 'B' schedule as described in the petition. But the plaintiff has no objection to measure 'B' schedule properties as described in the commission petition. Since 'A' schedule properties is not forming part of the suit properties, the Court found that it is not necessary to appoint Advocate Commissioner. Aggrieved over the same, the defendants 2 to 6 have preferred this revision petition.

3. Admittedly, the commission application filed by the defendant he narrated two schedule of properties 'A & B'. 'A' schedule properties is not forming part of the suit properties as described in the plaint schedule. But in



respect of the 'B' schedule properties, he want to measure the properties for that, the plaintiff has also not raised any objection. Now the revision petitioner being the defendant also restricted his claim to appoint Advocate Commissioner in respect of only 'B' schedule properties as he described in the schedule of I.A. No.398 of 2021. Therefore, trial court findings is set aside in respect of 'B' schedule properties alone. The trial court is directed to appoint Advocate Commissioner to measure “B” schedule properties in accordance with the sale deed dated 18.06.1997 and in accordance with Natham Patta No.1394 issued in the name of Vadivel and to measure 'A' schedule properties with the measurement in the plaint and with Natham Patta No.1035 with assistance of town surveyor and to file a detailed report along with surveyor plan demarcating the boundaries of both schedule of properties.

4. Accordingly, this Civil Revision Petition is Allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

09-04-2026

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

To
1. The Principal District Munsif, Tiruppur.



WEB COPY

CRP No. 2099 of 2



T.V.THAMILSELVI J.

MTL

**CRP No. 2099 of 2026
AND
CMP NO. 9259 OF 2026**

09-04-2026