



WEB COPY

CRP No. 1427 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

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

CRP No. 1427 of 2026

AND

CMP NO. 6887 OF 2026

1. M.Balasubramaniam,
S/o.Muthusamy,
Door No.30, 7th Street,
Kumaranandhapuram,
Tirupur Town and Taluk.

2. Poonkodi,
W/o.Balasubramaniam,
Door No.30, 7th Street,
Kumaranandhapuram,
Tirupur Town and Taluk.

..Petitioner(s)

Vs

1. Sadasivam,
S/o.Ammasai Gounder,
Door No.33-34, 7th Street,
Kumaranandhapuram,
Tirupur Town and Taluk.

2. Balamani,
W/o.Sadasivam,
Door No.33-34, 7th Street,
Kumaranandhapuram,
Tirupur Town and Taluk.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and final Order dated 06.10.2025 made in I.A.No.59 of 2025 in O.S.No.137 of 2018 on the file of the Principal District Munsif Court, Tiruppur by allowing this Civil Revision Petition.



For Petitioner(s): Mr.V.Anandhamoorthy

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ORDER

Challenging the impugned order passed in I.A.No.59 of 2025 in O.S.No.137 of 2018 by the learned Principal District Munsif, Tiruppur, the Revision Petitioners/defendants 7 and 8 preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioners/defendants 7 and 8 have filed an application under Sec.151 of C.P.C. praying to direct the Advocate Commissioner to revisit the suit properties along with photo and videography for the purpose of measuring the suit properties from both Eastern and Western side and demarcate the suit properties. On considering both side submissions, the trial judge dismissed the said application. Aggrieved over that, the Revision Petitioners/defendant 7 and 8 have preferred this Civil Revision Petition.

4.The learned counsel for Revision Petitioner argues that on seeing the Commissioner's report, he found that the existence of physical feature as well as the existence of compound wall has not been properly identified by the Commissioner. To that effect, he filed his objections and also sought for revisitation of Commissioner considering the relief claimed in the suit. But, the trial court has not given proper opportunity and erroneously dismissed the application. Hence, he prayed to set aside the findings of trial judge.



5. Considering the relief of mandatory injunction sought by the plaintiff, the existence of physical features of the suit property is just and necessary, but the Advocate Commissioner failed to note down the physical features properly, therefore, he had sought for revisitation. However, after long delay, the Commissioner had filed the report, since there is a discrepancy according the Revision Petitioner. Therefore, he wanted to identify the physical features of the property along with compound wall, which is just and necessary for revisitation as sought by the revision petitioner. But, the trial court failed to give opportunity and erroneously dismissed the application. Considering that, the findings rendered by the Principal District Munsif, Tiruppur in I.A.No.59 of 2025 in O.S.No.137 of 2018 is set aside. The trial judge is directed to issue a direction to the Advocate Commissioner to revisit the property and to note down the physical features of property as well as existence of compound wall at the cost of Revision Petitioner and direct him to file a report as per manner known to law. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

13-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RPP
To
The Principal District Munsif, Tiruppur.



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T.V.THAMILSELVI J.

RPP

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