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CRP.No.6640 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6640 of 2025 and
CMP No.32931 of 2025**

Dr. N.Nazeer Ahmed
S/o. Late P.M. Nawabjan, D.No.24/9,
Veerasamy, 3rd Street, Ayanavaram,
Chennai - 600 023.

Petitioner(s)

Vs

1. Nizar Ahmed
S/o. Late P.M. Nawabjan, D.No.3/39,
Bazaar Street, Pennagaram Town and
Taluk, Dharmapuri District.

2.Nasemunnisa
W/o. Syed Ismail, D.No.1/487-5,
Sathya Sai Nagar, New Housing Board,
Krishnagiri Town and Taluk,
Krishnagiri District - 635002.

3.Nafees Taj
W/o. Syed Nazeer, D.No.1/487-5,
Sathya Sai Nagar, New Housing Board,
Krishnagiri Town and Taluk,
Krishnagiri District - 635002.

Respondent(s)



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and decreetal order dated 09.09.2025 passed in I.A No.9 of 2025 in OS No.197 of 2021 on the file of the Principal District Judge, Dharmapuri.

For Petitioner(s): Ms. A.B.Fathima Sulthana

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court, allowing the application, seeking appointment of Advocate Commissioner to inspect and measure the suit property and to note down the physical features of the same.

2. The petitioner herein/plaintiff filed a suit in O.S.No.197 of 2021 for recovery of possession of the suit property. Pending suit, the first respondent herein/ 3rd defendant had filed the instant application seeking appointment of Advocate Commissioner as stated above and the same was allowed by the Trial Court. Aggrieved by the same, the petitioner/plaintiff has come before this court.



3. In the affidavit filed in support of the application for appointment of Advocate Commissioner, it was stated by the first respondent/3rd defendant that though the total extent of the suit property was mentioned as 6562 sq.ft. by the petitioner/plaintiff, on the ground, only 6025 sq.ft is available. Further, it is stated in the affidavit that there is a tiled house in the suit property, however, the same has not been described in the plaint.

4. The petitioner herein/plaintiff filed the suit seeking recovery of possession of the property by giving four boundaries. As per the plaint description, the total extent of the suit property is 6562 square feet. The first respondent/3rd defendant claims that the extent of the property available on ground is only 6025 square feet. If the extent and the physical features of the suit property are not properly described in the plaint, it will create lot of difficulties at the time of execution. Therefore, it is better to measure the suit property and to note down the physical features by appointing an Advocate Commissioner, so that the exact extent available on ground and the available physical features can be found. This will avoid unnecessary complication at the time of execution, in the event of plaintiff's success in the suit. Therefore, the impugned order passed by the Trial Court will not cause any prejudice to the

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petitioner and hence, I am not inclined to interfere with the same.

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5. Accordingly, this civil revision petition is dismissed. Since the suit is of the year 2021, the Trial Court is directed to dispose of the suit in O.S.No.197 of 2021 as expeditiously as possible. There shall be no order as to costs.

Connected miscellaneous petition is closed.

05.01.2026

Internet : Yes

Index : Yes / No

Neutral Citation: Yes/No

MST

To

The Principal District Judge, Dharmapuri



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S.SOUNTHAR, J.

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