



C.R.P.Nos.498 and 513 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.Nos.498 and 513 of 2026
and
C.M.P.Nos.2724 and 2755 of 2026

1.Rajangammal

2.Rajamani

3.Vennila

4.Sriram

5.Srikanth

6.Annadurai

... Petitioners (in both CRPs)

vs.

Annadurai

... Respondent (in CRP.No.498/2026)

Kamal

... Respondent (in CRP.No.513/2026)

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to allow these Civil Revision Petitions and set aside the order and decretal order passed in I.A.Nos.185 and 184 of 2025 in O.S.Nos.14 and 18 of 2024, dated 25.10.2025 passed by the learned Additional District Munsif, Tittagudi.



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For Petitioners : Ms.G.Shalini
for M/s.T.Balachandran
(in both CRPs)

For Respondents : Mr.R.Rajesh
(in both CRPs)

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the Additional District Munsif, Tittagudi in I.A.Nos.184 and 185 of 2025 in O.S.Nos.14 and 18 of 2024, dated 25.10.2025 allowing the applications filed by respondents seeking appointment of an Advocate Commissioner to measure the suit property with the help of Surveyor and file a report after noting down the physical features.

2. The respondents herein filed suits in O.S.Nos.14 and 18 of 2024 seeking declaration of title and recovery of possession. According to the respondents, the suit properties belonged to them and the petitioners/defendants have no right over the same. It is further stated that based on invalid title document, the petitioners/defendants obtained patta in their names and entered the suit properties over which they have no right.



3. Pending suit, the instant applications in I.A.Nos.184 and 185 of 2025 have been filed by the respondents seeking appointment of Advocate Commissioner to measure the suit properties with the help of Surveyor and file a report after noting down the physical features. The said applications were allowed by the Trial Court and aggrieved by the same, the petitioners/defendants have come before this Court.

4. The learned counsel appearing for the petitioners would submit that the respondent in both the cases has not made out any case for appointment of Advocate Commissioner and there is no dispute with regard to the location of the suit properties.

5. The learned counsel appearing for the respondents by taking this Court to the impugned order would submit that the report by the Advocate Commissioner noting down the physical features will help the Court to decide the controversy involved in the suit.

6. The respondents herein seek declaration of title and recovery of possession. The title of the respondents over the suit properties have to be proved based on the documents and other evidence to be let in. It is the



specific case of the respondents that the petitioners/defendants based on forged invalid document obtained patta in their names and trespassed into the suit properties. Whether the document relied on by the petitioners/defendants is valid document or not, has to be decided at the time of final disposal. To decide the question whether the document relied on by the petitioners is valid or not, appointment of Advocate Commissioner is not at all necessary. In the affidavits filed in support of the applications seeking appointment of Advocate Commissioner, the respondents have not given any valid reason for appointment of Advocate Commissioner.

7. It is not the case of the respondents that there is a dispute with regard to the identity of the suit properties or location of the properties. In these circumstances, the applications filed by the respondents seeking appointment of Advocate Commissioner do not have any merit. The Trial Court in the impugned order without any discussion simply allowed the applications on the ground that the Advocate Commissioner is the eyes and ears of the Court. Therefore, the appointment Advocate Commissioner is essential. In the absence of any dispute with regard to the location and identity of the suit properties, having regard to the prayer sought for in the suits and also the pleadings raised by the parties, I do not think appointment



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of Advocate Commissioner is necessary. Therefore, the impugned orders passed by the Trial Court are set aside and both the Civil Revision Petitions are allowed. No costs. Consequently, the connected civil miscellaneous petitions are closed.

09.02.2026

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

To

The Additional District Munsif,
Tittagudi.



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S.SOUNTHAR, J.

dm

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