



C.R.P.(MD) No.784 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.784 of 2026
and
CMP(MD) No.3604 of 2026**

Bose

... Petitioner

vs.

Ramanujam

... Respondent

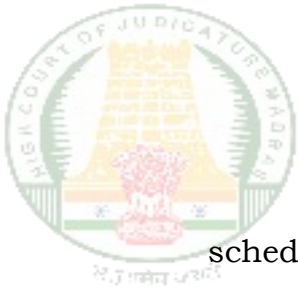
PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed by the learned Sub Court, Kovilpatti in I.A.No.03 of 2025 in O.S.No.38 of 2018 dated 28-11-2025.

For Petitioner : Mr.M.Prabu

ORDER

This Civil Revision Petition challenges the order passed by the learned Subordinate Judge at Kovilpatti in I.A.No.03 of 2025 in O.S.No.38 of 2018 dated 28.11.2025.

2.O.S.No.38 of 2018 is a suit filed by the sibling of the Civil Revision Petitioner. His claim is that he has half share in the suit



C.R.P.(MD) No.784 of 2026

schedule mentioned property. The defendant has filed a written statement, contesting the claim. The suit is still at the pre-preliminary decree stage.

3.According to the defendant, on the suit property, there are three houses and not two houses as mentioned by the plaintiff. Hence, he took out an application for appointment of an Advocate Commissioner to visit the suit property, note-down the physical features and to submit a report. This application was taken as I.A.No. 3 of 2025. The application was dismissed. Hence, this revision.

4.I heard Mr.M.Prabu for the Civil Revision Petitioner. I have gone through the records.

5.The suit is still at the stage of pre-preliminary decree. By the preliminary decree, in case passed, the Court is only going to declare the shares. Whether there exists two houses or even one hundred houses over the suit property, is a matter which has to be dealt by the Court at the time of passing of the final decree, when it comes to allocation of properties.



C.R.P.(MD) No.784 of 2026

6.I agree with the learned Judge that the petition filed for appointment of an Advocate Commissioner at this stage is entirely misconceived. In case, the suit is decreed, it is always open to the defendant to pay the Court fee and seek for appointment of an Advocate Commissioner, indicating that there are not two houses, but three houses.

7.The Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

18.03.2026

mm

To

The Subordinate Judge, Kovilpatti.



WEB COPY



C.R.P.(MD) No.784 of 2026

V. LAKSHMINARAYANAN, J.

mm

C.R.P.(MD) No.784 of 2026

18.03.2026