



CRP(MD). No.243 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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**Dated : 02.02.2026**

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**THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**CRP(MD). No.243 of 2026  
and  
CMP(MD) No.965 of 2026**

Mahesh

... Petitioner

Vs

Paramasivan

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decreetal order dated 01.02.2025 passed by the learned Subordinate Judge, Trichendur in I.A.No. 2 of 2024 in O.S.No. 24 of 2019 and set aside the same.

For Petitioner : Mr.K.Navaneetharaja  
For Respondent : Mr.H.Arumugam

**ORDER**

This Civil Revision Petition has been filed challenging the order dated 01.02.2025 made in I.A.No.2 of 2024 in O.S.No.24 of 2019 on the file of the Subordinate Court, Tiruchendur.

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2.The respondent/plaintiff has filed a suit in O.S.No.24 of 2019 as against the petitioner/defendant before the Subordinate Court, Tiruchendur, seeking for the relief of specific performance along with other reliefs. Pending suit, the petitioner has filed an application in I.A.No.2 of 2024 under Order 26 Rule 9 CPC for appointment of an Advocate Commissioner to ascertain the value of the suit property. The said application was dismissed on 01.02.2025. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner would submit that the suit sale agreement was executed as a security for loan transaction and since the value of the suit property is more than Rs.50,00,000/-, in order to ascertain the value of the suit property, it is necessary to appoint an Advocate Commissioner. He would further submit that no prejudice will be caused on the side of the respondent/plaintiff, if the relief sought for by the petitioner is granted by this Court. He would therefore call upon this Court to set aside the order impugned herein and grant the relief as prayed for.



4.The learned counsel for the petitioner relied upon the judgment of this Court in the case of ***D.Pattammal Vs. K.Kalyanasundaram*** reported in ***(1988) 2 MLJ 437***, wherein, it had been stated as under:-

*“25. In the present case, the Court below has appointed an advocate-Commissioner to determine the market value. It is represented that the advocate-Commissioner has taken evidence and submitted his report to the Court. It is for the trial Court to consider whether the report of the advocate-Commissioner is supported by relevant evidence in the sense that the evidence placed before the Commissioner relates to similarly situated properties or properties situated in the neighbourhood. If the Court comes to the conclusion that the evidence placed before the advocate-Commissioner is not relevant or not sufficient, the Court has to determine under what basis the value has to be computed. If the Court ultimately finds that there is no evidence to show as to what would be the value of the property in the open market, then the Court may arrive at the value by adopting capitalisation method.”*

5.*Per contra*, the learned counsel for the caveator would submit that appointment of an Advocate Commissioner for the purpose of ascertaining the value of the suit property is wholly unnecessary. The



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guideline value and relevant details of the property are readily available in the public domain through the official web-site of the Tamil Nadu Registration Department and the same can be verified and produced before the Court without requiring a local inspection by the petitioner. Hence, he prays for dismissal of this petition.

6.The learned counsel for the caveator relied upon the judgment of this Court in the case of ***K.S.Mohammed Saleem (deceased) Vs. K.S.Mohammed Shakeel (deceased)*** reported in 2022 (6) CTCOL 562 (Mad), wherein, it had been stated as under:

*“15. In the light of the above discussion, the ruling placed by the learned Counsel for the Petitioners/Defendants also is found acceptable to the facts of this case regarding preliminary enquiry. The learned counsel for the Petitioners/Defendants submitted that for arriving at a valuation of the property an Advocate Commissioner is to be appointed cannot not at all be accepted since the trial had proceeded, both parties can adduce evidence by summoning officials of either the Municipality or Revenue Department of the Nilgris District as witness to the plaintiffs or witness to Defendants or as Court witness and thereby helping the Court to arrive at a just conclusion regarding the valuation of the property. For this, an Advocate*



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*Commissioner is not at all required. Therefore the order of the learned Sub Judge/Civil Judge Senior Division, Uthagamandalam does not warrant any interference by invoking the powers of High Court under Article 227 of the Constitution of India. The rulings relied on by the learned Counsel for the Respondents/Plaintiffs is applicable to the case as the trial in the suit had proceeded at the stage of Defendant-s witnesses. In the light of the above discussion, the contention of the learned Counsel for the Revision Petitioners/Defendants before the trial Court is rejected. The contention of the learned Counsel for the Respondents/Plaintiffs is found acceptable. Therefore, in the light of the above rulings cited by both parties, it is not a fit case for interference by this Court.”*

7.Heard the learned counsel on either side and perused the records.

8.Admittedly, the respondent filed O.S.No.24 of 2019 for specific performance and pending such suit, the petitioner filed I.A.No.2 of 2024 for appointment of an Advocate Commissioner to ascertain the value of the suit property. The said application was dismissed and the same is under challenge before this Court.

9.The short point that arises for consideration before this Court is



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whether the Advocate Commissioner is liable to be appointed to ascertain the value of the property?

10.Considering the facts and circumstances of the case and from the perusal of papers as well as the order passed by the Court below, this Court finds that the relief sought for by the petitioner for appointment of an Advocate Commissioner to ascertain the value of the suit property is unnecessary, as the guideline value and other relevant particulars relating to the property are readily available in the public domain through the official web-site maintained by the Tamil Nadu Registration Department, namely, the TNREGINET portal. Since the said details can be easily accessed by the petitioner from the said web-site, the appointment of an Advocate Commissioner for the purpose of ascertaining the value of the property alone is unwarranted. It is also well settled that an Advocate Commissioner cannot be appointed for the purpose of collecting evidence, when the relevant information is otherwise available from official sources.



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11.In such circumstances, this Court finds no infirmity in the order passed by the Court below in refusing to appoint an Advocate Commissioner for the said purpose. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No  
NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No  
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**02.02.2026**

To

The Subordinate Judge, Trichendur.



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**N.SENTHILKUMAR, J.**

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