



CRP(MD). No.3896 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3896 of 2025
and
CMP(MD) No.20403 of 2025**

1.Saraswathi

2.Ramkumar

3.Kousalya

... Petitioners

Vs

1.T.R.Venkatesan

2.T.R.Balakrishnan

3.T.R.Chakkarabani

4.T.R.Chandrasekaran

5.T.R.Nirmalkumar

6.P.Nirmaladevi

7.S.P.Selvaraj

8.S.Rajeswari

9.S.Saraswathi

10.T.R.Selvarajan

1/9



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P.Jayalakshmi (late)

11.District Registrar
Registrar Office
District Court Compound, Cantonment
Trichy - 1.

12.Government of Tamilnadu
Rep. by its District Collector
Tiruchirappalli
District Collectorate
Tiruchirappalli.

13.Managing Director
TASMAC
Thuvakudi
Trichy.

14.K.Krishnamoorthy

15.Rani Sowbakiyalakshmi

16.Ilavarasi Logaranjini ... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decretal order dated 21.08.2025 in I.A.No.3 of 2025 in O.S.No.296 of 2014 on the file of the IV Additional Subordinate Judge, Tiruchirappalli.

For Petitioner : Mr.M.Suresh for
Mr.B.Prasanna Vinoth

For R11 & R12 : Mr.P.Thambidurai
Government Advocate



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ORDER

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This Civil Revision Petition has been filed challenging the order made in I.A.No.3 of 2025 in O.S.No.296 of 2014 dated 21.08.2025 on the file of the learned IV Additional Subordinate Judge, Tiruchirappalli.

2.The respondents 1 to 6/plaintiffs have filed a suit in O.S.No.296 of 2014 before the IV Additional Subordinate Court, Tiruchirappalli, for the relief of declaration, recovery of possession and mandatory injunction. Pending suit, the respondents 1 to 6/plaintiffs have filed an application in I.A.No.485 of 2014 for appointment of an Advocate Commissioner to inspect the suit property and the same was allowed. Subsequently, the Advocate Commissioner had visited the property and after measuring the property, had filed his report on 14.08.2023. Thereafter, the petitioners/defendants 2 to 4 have filed an application in I.A.No.3 of 2025 in O.S.No.296 of 2014 under Order 26 Rule 9 and Section 151 CPC before the Court below, seeking to scrap the report of the Advocate Commissioner and to order fresh commission. The same was dismissed on 21.08.2025. Challenging the same, the present Civil Revision Petition has been filed.



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3.The learned counsel for the petitioner would submit that at the time of filing of the suit, the petitioners 2 and 3 herein were minors and they were represented by their guardian, viz., Karunanithi/grandfather. The respondents 1 to 6/plaintiffs have filed an interlocutory application for appointment of Advocate Commissioner and the same was allowed on 07.02.2023. Meantime, the petitioners 2 and 3 attained the age of majority and immediately thereafter, an application in I.A.No.1 of 2023 in O.S.No.296 of 2014 was filed, declaring the petitioners 2 and 3 herein as major, which was subsequently allowed on 17.11.2023. However, having knowledge about the fact that the petitioners 2 and 3 attained the age of majority and without waiting for the outcome of I.A.No.1 of 2023, the Advocate Commissioner had inspected the property in the presence of the respondents herein alone and had filed a report on 14.08.2023, which is under challenge in the present application. The trial Court, without considering the facts and circumstances of the case properly, dismissed the application by referring to the service of commissioner's notice upon the previous counsel, who is appearing in the suit, on record and also by holding that the guardian is sufficient for inspecting the property, which is not in accordance with law.



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4.He would further submit that the Advocate Commissioner had acted in a biased manner and had filed a report, without measuring the property properly. The Commissioner had traversed beyond the scope of the pleadings in the Commission application plaint and had also noted the imaginary facts to support the case of the respondents 1 to 6/plaintiffs. Therefore, he would pray for appropriate orders.

5.I have carefully considered the submissions made by the learned counsel for the petitioners. Records perused.

6.Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

7.Admittedly, pending suit, an Advocate Commissioner had been appointed in I.A.No.485 of 2014 to inspect the property, to note-down the physical features of the property, measure the property with the help of qualified Surveyor and Village Administrative Officer, on the basis of the revenue records of the property and to file a report along with plan. In



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compliance of the same, the Advocate Commissioner had inspected the property and filed a report on 14.08.2023. The petitioners/defendants 2 to 4 have filed an application in I.A.No.3 of 2025 for reopening the case, reissuing the Advocate Commissioner's appointment, or in the alternative, appointing a new Advocate Commissioner. The above application has been dismissed by the Trial Court, which is under challenge herein.

8.It is well settled that a Commissioner's report is merely a piece of evidence and not a conclusive proof. When such a report is contrary to the admitted documents, an aggrieved party is always at liberty to cross-examine the Advocate Commissioner for disproving the report filed by him/her, by producing necessary documents at the time of trial. Thus, this Court is of the view that the petitioners can very well cross-examine the Advocate Commissioner, can raise all their objections with regard to the report and plan of the Advocate Commissioner and to mark necessary documents to disprove the report of the Advocate Commissioner at the time of trial, based on the report and plan and its validity, if they are aggrieved with such report.



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9.The main ground raised by the petitioners 2 and 3, who were minors at the time of filing of the suit and now attained the age of majority, is that they were not served with notice before survey. Admittedly, when an application to declare majority is pending and it is yet to be decided, the Guardian's role continues and the Guardian's actions will bind the minors. In the case on hand, the application in I.A.No.1 of 2023 filed by the petitioners 2 and 3, declaring themselves as major, was pending, when the survey was conducted, after issuing notice upon the Guardian of the petitioners 2 and 3. As such, service on the Guardian is sufficient, as per law, for survey. Thus, this Court is of the view that the order impugned herein is valid and does not warrant any interference of this Court.

10.In such view of the matter and also considering the fact that the case was posted for cross-examination of P.W1, I do not find any infirmity, which necessitates interference with the order impugned in the present Civil Revision Petition. Accordingly, Civil Revision Petition stands dismissed as devoid of merits.



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WEB COPY No costs. Consequently, connected Miscellaneous Petition stands closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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05.01.2026

To

1.The IV Additional Subordinate Judge,
Tiruchirappalli.

2.District Registrar
Registrar Office
District Court Compound, Cantonment
Trichy - 1.

3.District Collector
Tiruchirappalli
District Collectorate
Tiruchirappalli.



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N.SENTHILKUMAR, J.

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