



*C.R.P(MD)Nos.3894 and 3895 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2026

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**THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

**C.R.P(MD)Nos.3894 and 3895 of 2025**

S.Umarani

... Petitioner in both petitions

Vs.

Alamelu Ammal (Died)

1.J.Bharathnivas

2. S.Seethalakshmi

3.V.Lakshmi

4.V.Kokila

5.S.Allirani

6.S.Pushpam

7.S.Kala

8.S.Selvaraj

9.V.Rajagopal

10.The District Collector,  
Collectorate Complex,  
Madurai.



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11.The Tashildar,  
Vadipatti Taluk,  
Vadipatti, Madurai District.

...Respondents

**COMMON PRAYER:** Civil Revision Petitions are filed under Article 227 of the Constitution of India, to allow these Civil Revision Petitions by setting aside the Fair Order and decretal order made in I.A.Nos.10 and 13 of 2025 in O.S.No.354 of 2008 dated 24.11.2025 on the file of the District Munsif Court, Vadipatti.

For Petitioner : Mr.M.Thirunavukkarasu

For R1 : Mr.D.Senthil

For R2 and R9 : No representation

For 10 and R11 : Mr.F.Deepak,  
Special Government Pleader

**COMMON ORDER**

These Civil Revision Petitions are filed challenging the common order, dated 24.11.2025 passed in I.A.Nos.10 and 13 of 2025 in O.S.No. 354 of 2008 on the file of the learned District Munsif, Vadipatti.

2. The suit in O.S.No.354 of 2008 was originally instituted for permanent injunction and for recovery of possession in respect of Items 2 and 3 of the suit properties. During the pendency of the suit, the



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petitioner filed I.A.No.31 of 2011 seeking appointment of an Advocate Commissioner. The said application was allowed and the Advocate Commissioner filed his report.

3. Subsequently, the first respondent filed I.A.No.10 of 2025 seeking to scrap the Advocate Commissioner's report filed in I.A.No.31 of 2011 in the main suit. The first respondent also filed I.A.No.13 of 2025 seeking appointment of a fresh Advocate Commissioner to inspect, measure, take photographs and note down the physical features of the petition-mentioned property so as to bring out the nature and lie of the property. Both applications were allowed by a common order dated 24.11.2025. The trial Court appointed a new Advocate Commissioner and directed both parties to furnish necessary documents to the Commissioner. The Commissioner was further directed to inspect the property in the presence of both parties, take photographs, measure the B schedule property with the assistance of a Surveyor, note down the physical features of B and C schedule properties, correlate the title deeds with the revenue records, and file a report along with a plan.



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4. Aggrieved by the said order, the present Civil Revision Petitions have been filed.

5. The learned counsel for the revision petitioner submitted that the trial Court ought to have directed the Advocate Commissioner to measure the entire suit schedule properties as described in the plaint as well as the properties mentioned in the counter-claim filed by the first respondent. Instead, the trial Court restricted the measurement to the B schedule property alone and merely directed noting down the physical features of B and C schedule properties, which, according to the learned counsel, is improper and insufficient for effective adjudication of the dispute.

6. Per contra, the learned counsel appearing for the first respondent submitted that the entire dispute revolves around the registered Will dated 31.01.2005 and the registered sale deed dated 15.03.1991, under which the respondents' property is described as the 'A' schedule property. Therefore, according to the learned counsel, the order passed by the trial Court warrants no interference.



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7. This Court has considered the submissions made on either side.

It is seen that the core dispute between the parties arises out of the registered Will dated 31.01.2005 and the registered sale deed dated 15.03.1991. Though there was no specific plea with regard to measurement of the A schedule property, both learned counsel fairly submitted that they have no objection if the Advocate Commissioner is directed to measure the A, B, and C schedule properties.

8. In view of the above and considering that a comprehensive measurement of all the schedule properties would facilitate effective and complete adjudication of the issues involved in the suit, this Court is of the opinion that the Advocate Commissioner shall inspect and measure the A, B, and C schedule properties, take photographs, note down the physical features, correlate the title deeds with the revenue records, and file a comprehensive report along with a plan before the trial Court, with the assistance of a qualified Surveyor.



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9. With the above direction, these Civil Revision Petitions are disposed of. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

**29.01.2026**

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

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To

- 1.The District Munsif Court, Vadipatti.
- 2.The Section Officer  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**N.SENTHILKUMAR,J.**

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