

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE  
AT CHENGALPATTU

Present: Thiru.A.Saravanakumar.,B.A.B.L.,  
Additional District Judge,  
Chengalpattu.

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Tuesday, the 16<sup>th</sup> day of September 2025

I.A.No.3/2021

in

O.S.No.378/2019

CNR.No:TNCG01-008184-2019

K.Gajalakshmi

...Petitioner/Plaintiff

-Vs.-

R.Nalini

..Respondent/Defendant

This Petition coming before this court on 21.07.2025 for final hearing in the presence of M/s.P.Senthilkumar, D.V.Srinivasan and P.Karthiban, counsels for the Petitioner/Plaintiff and D.Johnsamuvel and C.Seetha Lakshmi, counsels for the Respondent/Defendant and upon hearing the arguments of both sides and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

**ORDER**

This petition has been filed under Order 26 Rule 9 read with section 151 of CPC to appoint an advocate commissioner along with licensed Engineer to inspect the building morefully situated at Gowl Bazaar Main Road, opposite to ECR Hard wares and adjacent to Ekdanda Apartments Block-I and to furnish the nature of work done, cost of work done along with the Engineer report in lieu of the construction agreement entered in the month of 19.6.2011 and to pass orders.

1. The petition and counter perused.
2. Both sides heard.
3. The points for consideration:

Upon the perusal of the petition, counter and other materials this court has framed the following point for consideration:

“Whether the petition is to be allowed or not”

**4. Answer to the point:**

The petitioner is the plaintiff in the original suit. The respondent is the defendant therein. The original suit is filed for the relief of recovery of amount on the basis of a construction agreement dated 19.6.2011. As per the case of the petitioner, the petitioner and the respondent entered into the an construction agreement and as per the same a payment scheduled was worked out between them. The petitioner has so far done work at the cost of Rs.38,23,500/- and the defendant has paid only Rs.9,00,000/-. The remaining amount was not paid. While so, in order to substantiate the fact that he has constructed a larger portion of the building, the instant application is filed under order 26 rule 9 CPC for the appointment of advocate commissioner so as to ascertain the nature of the work and the cost of work along with engineer report.

5. The petitioner submits that the appointment of advocate commissioner is necessary to elucidate the matter in controversy. Therefore, the petition may be allowed. The respondent in her counter seriously disputed the averments stated in the petition and it is her

contention that the petition is filed as a foul game.

6. Considering the rival submissions, the petitioner states that she has constructed till 1<sup>st</sup> floor, water tank, sump, septic tank, modular kitchen, soak pit etc., and the total cost of construction comes around Rs.38,23,500/-. The respondent denies the same. Therefore, since the area of construction so far made and the value of construction put up is the main question involved in this case to elucidate the said matter, this court is of the view that appointment of advocate commissioner along with engineer report is necessary. Therefore this court is inclined to allow the application.

In the result, the petition is allowed. Miss.Vanishree advocate is appointed as commissioner whose fee is fixed as Rs.10,000/- to be paid directly to her. The learned advocate commissioner shall visit the suit schedule properties along with PWD engineer after issuing notice to both sides and note down the nature of construction work done and cost of work and other physical features in the light the construction agreement dated 19.6.2011 and shall also file a detailed report and plan. The petitioner is hereby directed to bear the fees for the PWD engineer if any prescribed by the said department.

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 16<sup>th</sup> day of September 2025.

Additional District Judge  
Chengalpattu.

**List of Exhibits and Witnesses on Petitioner's side:NIL**

**List of Exhibits and Witnesses on Respondent's side:NIL**

Additional District Judge  
Chengalpattu.

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**Draft/Fair Order**  
**I.A.No.3/2021 in**  
**O.S.No.378/2019**  
**Dated:16.09.2025**  
**ADJ/CPT**  
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