

IN THE COURT OF DISTRICT MUNSIF, THIRUVADANAI.

PRESENT: Thiru.J.Antony Rishandev B.B.A.,LLB., (Hons)
District Munsif, (FAC)
Thiruvadanai.

Friday, the 23rd day of January 2026

IA.No.02/2026
in
OS No.101/2012

1. Suvakeen
2. Chinnappan
3. Rajenthiran
4. Sengol
5. Arockiyam

... Petitioners/Plaintiffs

Vs

1. Jesu
2. Jesumani
3. Kaspar
4. Arockiyam
5. Arockiyam

...Respondents/Defendants

This petition came up on 20.01.2026, in the presence of Mr.N.Balaji, advocate for the Petitioners and Mr.Baskaramaduram, advocate for the Respondents upon perusing the case records and having stood over for consideration till this day, this court hereby delivered the following...

ORDER

This petition was filed by the petitioners herein under Order 26 Rule 9 r/w s.151 CPC seeking to appoint an advocate commissioner in order to measure the suit property based on his sale documents, patta and then to measure the suit property based on the FMB.

1. Notice and Response:

After this petition was filed, notice was issued to the respondents herein and they endorsed that they have no objection to this petition.

2. Discussion and Decision:

- i. On perusal of records, it was found that already an advocate commissioner was appointed and the suit property was inspected based on the order made in IA 137/2021 dated 15.04.2021, after which a report and plan was filed by the advocate commissioner. It is to note that the petitioners herein are also the petitioners in the earlier advocate commissioner appointment petition

also. Further, after the filing of report and plan as aforesaid, the petitioners filed an objection memo stating that the suit property was not measured in a correct manner, hence the petitioners sought to reappoint the advocate commissioner in order to inspect the suit property further and file a report. The aforesaid prayer in objection was rejected by this court on the ground that the stated objections are vague.

- ii. At present, the petitioners seek to appoint a subsequent new advocate commissioner in order to inspect and measure the suit property on the same ground as mentioned in the objection to report and plan of the earlier advocate commissioner. Further, the petitioners herein have not specifically stated in their petition as to what aspects of the earlier report and plan they are dissatisfied with. Hence, the petitioners have not established their sufficient reasons for dissatisfaction towards the earlier report and plan filed before this court. At this juncture, this court relies on the principles laid down by the Hon'ble Madras High Court in **Padmanabhan Vs. Krishnamurthy** [2005(3) CTC 619] wherein, it was held that:

“Mechanical and indiscriminate appointment of more than one Commission, merely because the Court

thinks the other party to the proceedings may not be prejudiced or that the expenses for the Commission are going to be borne by the Applicant for the purpose would create an unhealthy practice of not only more than one Report on records, but also would lead to the vice of a person or party to the proceedings not being satisfied with the Commissioner's Report seeking for the appointment of successive Commissioners till he is able to get a Report of his choice (Gopalakrishnan v. P. Shanmugam AIR 1995 Mad 274)''.

Based on the above discussions, this court feels that there is no sufficient ground in this petition to interfere with the earlier report and plan filed by the advocate commissioner.

In the result, this petition is dismissed. No cost.

Dictated to the typist, transcribed by her corrected, and pronounced by me in open Court, this is the 23rd day of January 2026

District Munsif, (FAC)
Thiruvadanai.

Petitioners' side Witness and Documents :-

- Nil -

Respondents' side Witness and Documents : -

-Nil-

District Munsif, (FAC)
Thiruvadanai.