



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 298 of 2026

and

CMP No.1583 of 2026

J.Molly Joseph,

Petitioner(s)

Vs

1. S.Ruban,

2.Arockia Mary alias Rosy,

3.R.Rajkumar,

4.R.Ravikumar,

Respondent(s)

PRAYER

Petition filed under Article 227 of Constitution of India, to allow the Civil Revision Petition by setting aside the Fair and Decretal Order dated 04.12.2025 made in I.A.No.5 of 2025 in O.S.No.2850 of 2023 on the file of the learned XV Asst. City Civil Court at Chennai.

For Petitioner(s): Mr.K.Vijayaragavan

For Respondent(s): Mr.V.Manisekaran



ORDER

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This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order passed in IA.No.5 of 2025 in OS.No.2850 of 2023, on the file of XV Assistant City Civil Court, Chennai, dated 04.12.2025, wherein the application filed by the defendants under Order XXVI Rule 9 of CPC, for appointment of an Advocate Commissioner to inspect the suit property and note down the physical features and to file a report, came to be allowed by the Court below.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents. This Court carefully perused the materials available on record. This Court also carefully went through the order passed by the Court below.

3.The petitioner is the plaintiff who has filed the suit seeking for the relief of declaration and permanent injunction. During the pendency of the suit, the respondents/defendants filed I.A.No.5 of 2025, for appointment of Advocate Commissioner and the same was allowed. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

4.On carefully considering the submissions made on either side, this Court finds that the nature of relief that has been sought for by the petitioner can



be even more effectively worked out if an Advocate Commissioner is appointed in this case. The grievance of the petitioner seems to be that the Court below while issuing the commissioner warrant has mentioned that the qualified engineer will accompany the Advocate Commissioner. The petitioner will be satisfied if a Taluk surveyor is directed to accompany the Advocate Commissioner to conduct the survey and to file a report.

5.The Court below has not assigned any reasons in the order passed but however if the matter is again sent back to the Court below, it will only further delay the proceedings. Therefore, considering the grievance expressed by the petitioner/plaintiff, this Court deems it fit to direct the Taluk surveyor to accompany the Advocate Commissioner to execute the warrant as per the directions issued by the Trial Court. The order passed by the Court below is modified to that extent.

6.The inspection shall be conducted by the Advocate Commissioner with the help of the Taluk surveyor and the report shall be filed before the Court below along with the sketch and necessary documents, within a period of four weeks from the date of receipt of a copy of this order.



7. This Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

XV Asst. City Civil Court, Chennai.



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N.ANAND VENKATESH J.

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