



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1458 of 2026

AND

CMP NO. 6999 OF 2026

1. Lakshmanan Alias Markandan
S/o. Perumal, Res. at Chinnavattanur
Village, Pungampattu Nadu, Tirupattur
Taluk and District.

2. Sathiyavani Alias Shakthi
W/o. Lakshmanan, Chinnavattanur
Village, Pugampattu Nadu, Tirupattur
Taluk and District.

Petitioner(s)

Vs

1. Ramasamy
S/o. Saminathan, Chinnavattanur
Village, Pungampattu Nadu, Tirupattur
Taluk and District.

Respondent(s)

CRP No. 1458 of 2026

PRAYER

To set aside the fair and decreetal order in IA No. 3 of 2025 in IA No. 2 of 2023 in OS No. 110 of 2023 dated 19.12.2025 passed by the Learned Addtional District Munsif, Tirupattur and Tirupattur District and thereby allow the above CRP.

CRP No. 1458 of 2026

For Petitioner(s): MR.B.Gopalakrishnan

For Respondent(s):



ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decreetal order in IA No. 3 of 2025 in IA No. 2 of 2023 in OS No. 110 of 2023 dated 19.12.2025 passed by the Additional District Munsif, Tirupattur and Tirupattur District.

2. The petitioner herein filed IA No. 3 of 2025 in IA No. 2 of 2023 in OS No. 110 of 2023 on the file of the Additional District Munsif, Tirupattur, seeking to set aside the exparte order dated 08.09.2023. Upon hearing both sides, the Trial Court dismissed the application stating that the petitioner filed this application to prolong the suit proceedings. Aggrieved over the same, the petitioner filed this Civil Revision Petition.

3. The learned counsel for the petitioner submits that the respondent has filed I.A No. 2 of 2023 in OS No. 110 of 2023 seeking to appoint Advocate Commissioner to measure the suit property and the said application, no notice was served on him, without serving any notice the respondent attempting to measure the suit schedule property with the help of Advocate Commissioner, then only, the petitioner came to know about the same. Immediately the petitioner filed the application to set aside the exparte order but the same was dismissed. Therefore, the order was passed behind the back of the petitioners. Hence, he prays to allow this Civil Revision Petition.

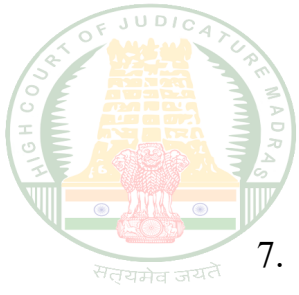


4. Heard the learned counsel for the petitioner and perused the material on records.

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5. A perusal of the records reveals the conduct of the petitioner. Initially, the Trial Court appointed an Advocate Commissioner and issued a warrant; however, the petitioner prevented the Commissioner from inspecting the suit property. Subsequently, at the petitioner's own instance, another Advocate Commissioner, Ms. Vahitha, was appointed, but the petitioner created further obstructions, compelling her to return the warrant without execution. Thereafter, a third Advocate Commissioner, Mr. Nugendiran, was appointed, yet the petitioner once again obstructed the performance of his duties. This sequence of events clearly demonstrates that the petitioner is deliberately evading the legal proceedings. The Trial Court has rightly appreciated these facts and concluded that the petitioner intentionally delaying trial. This Court finds no infirmity in the observations made by the Trial Court and sees no reason to interfere with the same.

6. However, in the interest of justice and to ensure a fair trial, the Trial Court is directed to permit the petitioner to file their objections, if any, to the Advocate Commissioner's report. The Trial Court shall hear the said objections on their merits and thereafter proceed with the case in accordance with the law.



7. In the result, this civil revision petition is disposed of. No Costs.

Pending petition, if any, is closed.

21-04-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Additional District Munsif, Tirupattur and Tirupattur District.

2. The Section officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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