



WEB COPY

CRP No. 2523 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2523 of 2026

AND

CMP NO. 10662 OF 2026

M.Pradeep
S/o Late Mayakrishnan,
Residing at Periyathottam,
Koattuveerampalayam,
Sathyamangalam Tk,
Erode Dist.

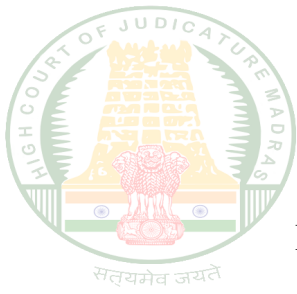
..Petitioner(s)

Vs

1. N.Krishnamoorthy
S/o Late Narayanan,
Door No 11, Devi Flats,
Thaachi Arunachala Street,
Chitrakulam,
Mylapore, Chennai.
2. Seethalakshmi
D/o. Late Narayanan,
D.No.5, Venguidudasar Street,
Koattuveerampalayam,
Sathyamangalam Tk,
Erode Dist.

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 27.01.2026 in I.A.No.5 of 2025 in O.S.No.160 of 2024 on the file of District Munsif Court at Sathyamangalam.



For Petitioner(s):

MR.N.Nandhakumar
for M/s. Eswar, Kumar and Rao Law Firm

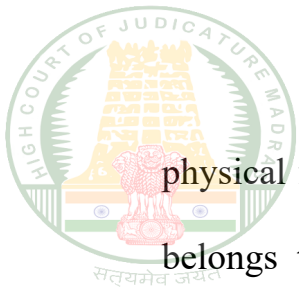
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ORDER

Challenging the impugned order dated 27.01.2026 in I.A.No.5 of 2025 in O.S.No.160 of 2024 on the file of District Munsif Court at Sathyamangalam, the plaintiff has preferred this revision.

2. The plaintiff has filed an application before the trial court to appoint an Advocate Commissioner to note down the physical features and also to establish that the lands are cultivated by him, but the said application was dismissed by the trial judge holding that the plaintiff bound to prove his case on his own accord not by collecting the evidence through Advocate Commissioner report and considering the relief claim in the suit the application was dismissed. Aggrieved over the same, the plaintiff has preferred this revision.

3. The learned counsel for the revision petitioner submits that originally his father entered into a lease agreement with the father of the defendants on 17.09.1977 and after the demise of his father he is cultivating the lands. Further states that the defendants, who are the owner of the property causing interference. Hence, he come forward with the suit. Now pending proceedings, he filed the application to appoint Advocate Commissioner in order to show the



physical features as wells as cultivating lands by taking water from other lands belongs to him. But the application was not entertained by the trial judge holding that taking water from his land is not dispute and therefore, it is not necessary to appoint Advocate Commissioner. Now the revision is preferred challenging the said order. The learned counsel submits that since he is possession of the property, to prove the cultivation he wants to appoint Advocate Commissioner to note down the physical features.

4. But considering the facts that according to the plaint averments from the year 1977 he is enjoying the property under lease. But the defendants disputing the plaintiff's possession of the property. It also reflects that the plaintiff own the lands adjacent to the suit property has come forward with the false claim and therefore, defendant raised objections.

5. Due to old age, the defendants not able to handle / maintain the property so they inclined to sell the property to the adjacent land owner Sureshababu, with whom he entered into some transactions, having come to know now the lease deed was fabricated by the plaintiff since they had eye over the property in order to grab the property. Therefore, the plaintiff has to prove his own case not with help of the commissioner's report. Hence, the order of the trial judge requires no interference. Further, on perusal of the records it reveals that the defendants 1 and 2 are aged about 75 and 80 years and the plaintiff has



come forward with the vexatious suit not to evict except under due process of law. On seeing the plaint records, it reflects that he has not possessed any lawful legal records to show that he is in possession ever since from the year 1977. On seeing the conduct of the plaintiff, the trial court is directed to dispose of the case within a period of three months without giving unnecessary delay from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is dismissed with exemplary cost of Rs.25,000/-, petitioner is directed to deposit the cost to Legal Services Authority, Sathyamangalam, within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected Civil Miscellaneous Petition is closed. On such deposit of cost only, the petitioner is entitled to proceed with the suit.

29-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MTL

To

1. The District Munsif Court, Sathyamangalam.

2. The Secretary,
District Legal Services Authority,
Sathyamangalam.



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T.V.THAMILSELVI J.

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