



WEB COPY

CRP No. 2877 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

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

CRP No. 2877 of 2024

AND

CMP NO. 15282 OF 2024

A.Krishnasamy

s/o Ayya,

D.No.3/306A, Akilandal Thottam,

Kaduvettipalayam (post), Karumathampatti, Suler

Taluk, Coimbatore

..Petitioner(s)

Vs

1. P.Palanisamy

S/o P.Ponnusamy,

No.3/204, Nall Road, Kaduvettipalayam (post),

Karumathampatti, Sulu Taluk, Coimbatore.

2. P.Eswaran

s/o Ponnusamy,

No.3/204, Akilandal Thottam,

Kaduvettipalayam (post), Karumathampatti

Suler Taluk, Coimbatore.

3. P.Manisankar

s/o P.Palanisamy,

No.3/204H, Nall Road, Kaduvettipalayam

(post), Karumathampatti Suler Taluk,

Coimbatore.

4. Ponnarasi

w/o Eswaran,

No.3/204, Akilandal Thottam,

Kaduvettipalayam (post), Karumathampatti,

Suler Taluk, Coimbatore.

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Art.227 of Constitution of India, praying to allow the above Civil Revision Petition by setting aside the Fair and Decretal Order dated 02.03.2024 passed in I.A. No.6 of 2023 in O.S. No.1003 of 2017 on the file of the District Munsiff Court, Sular.

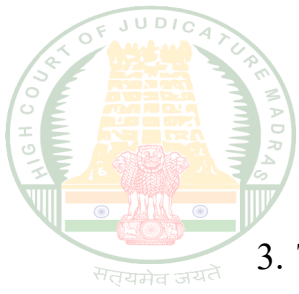
For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s): Mr. K.Vasanthanayagan For R1 To R4

ORDER

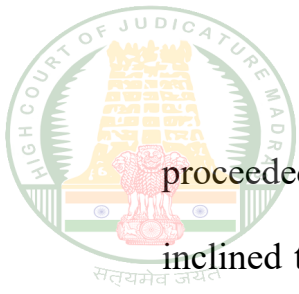
Challenging the impugned order passed in I.A.No.6 of 2023 in O.S.No.1003 of 2017 by the learned District Munsif, Sular, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioner/plaintiff filed the application to re-issue warrant to the same Advocate Commissioner to revisit the suit property and note down the physical features and to measure the suit properties along with assistance of Taluk Surveyor. On hearing both sides, the trial judge dismissed the said application holding that there was no necessity to re-issue the warrant, since the relief claimed by the revision petitioner was beyond the scope of main relief. Aggrieved over the said findings, he preferred this Civil Revision Petition.



3. The learned counsel for revision petitioner/plaintiff would submit that Nilaviyal Odai situated in S.F.No.89/1 has not been noted and the Surveyor has not measured the suit property properly by fixing the boundary line of S.F.Nos.89, 88/1 and 88. Furthermore, the entire physical features of suit property also not stated in the earlier report. Therefore, the necessity arose for the revision petitioner to file the said application to re-issue the warrant to the same Advocate Commissioner, but the trial judge failed to consider the same and erroneously dismissed the application. Hence, he prayed to set aside the findings of trial judge.

4. On perusal of records, the fact reveals that with regard to Nilaviyal Odai, which is running until Survey No.89/1 through Survey No.88/A, which are subject in issue and now the relief was amended for declaration. So, with regard to physical features of Nilaviyal Odai as well as the apprehension of revision petitioner that the defendant had encroached the said vaikkal and converted into pathway, the property is to be measured. Since the relief claimed by the revision petitioner was amended for the relief of declaration, the necessity arose for him to file the said application and it would not cause any prejudice to the respondents. But, according to the respondents, no such odai exists as on date. Hence, the property can be measured with the help of revenue records. Accordingly, considering the fact that so far, the trial was not



proceeded and in order to avoid multiplicity of proceedings, this Court is inclined to set aside the findings rendered in I.A.No.6 of 2023 in O.S.No.1003 of 2017 by the District Munsif, Sulur. The trial judge is directed to re-issue the warrant to the same Advocate Commissioner and at the cost of revision petitioner/plaintiff, the Advocate Commissioner is directed to revisit the property and note down the physical features and to measure survey numbers of the suit property along with assistance of Taluk Surveyor and file a report within a period of eight weeks from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

24-04-2026

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

RPP

To

The District Munsif Court, Sulur.



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T.V.THAMILSELVI J.

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