



WEB COPY



O.S.A.No.354 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE P.DHANABAL

O.S.A.No.354 of 2025
and
C.M.P.No.28043 of 2025

C.P.Kothandapani (Deceased)

1.C.K.Mahalakshmi

2.C.K.Palaniselvam

3.Gayathri

...Appellants

Vs.

1.C.P.Venugopal

2.C.P.Chandrasekaran

3.C.P.Srinivasan

...Respondents

PRAYER: This Original Side Appeal filed under Clause 15 of the Letters Patent read with Order XXXVI Rule 1 of Madras High Court Original Side Rules, praying to set aside the order dated 25.08.2025 in A.No.2764 of 2025 in C.S.No.976 of 2015.

For Appellants : Mr.C.V.Kumar

For Respondents : Mr.T.Srikanth

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The present Original Side Appeal has been instituted against the order passed in a final decree application for partition and separate possession of



the plaintiff's 1/4th share in the property morefully described in the schedule by metes and bounds.

2. The learned counsel for the appellants would submit that the trial Court directed both plaintiffs and defendants shall represent before the Registration Office and proceed with execution of sale deed. In this regard the defendants were directed to execute the sale deed by 07.10.2025.

3. The learned counsel for the respondents would submit that the appellants/ defendants have neither cooperated nor produced the original title deeds to the respondents. Due to their non-cooperation, execution of sale is unable to be done pursuant to the order impugned passed by the trial Court.

4. Though the appellants have expressed their willingness to exercise their pre-emptive right and purchase the suit schedule property, they have not complied with the time line given. Therefore, it is to be presumed that they have no intention to purchase the property or they are incapable of paying the value of the property.

5. It is contended that the appellants are prolonging the matter. The first plaintiff is suffering from age related ailments and the 3rd plaintiff is also taking treatment for cancer. Any prolongation of settlement would cause prejudice to the interest of the plaintiffs and their family members.



O.S.A.No.354 of 2025

6. Subsequently, the trial Court passed an order on 04.11.2025 recording the memo filed by the Advocate Commissioner that the procedures are yet to be completed to conduct auction in respect of the suit schedule property. In view of the fact that all further actions have already been initiated pursuant to the impugned order dated 25.08.2025 in C.S.No.976 of 2015 and considering the fact that the appellants/ defendants have neither handed over the original title deeds nor exercised their pre-emptive right and seeking time again and again, this Court is not inclined to entertain the present Original Side Appeal. Thus, the trial Court is requested to proceed with the auction of the schedule property, so as to complete the proceedings in all respects enabling the parties to enjoy their rights.

7. Accordingly, this Original Side Appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (P.D.B., J.)
20.11.2025

dsa

Internet :Yes/No

Index :Yes/No

Neutral Citation :Yes/No

Speaking/Non-speaking order

S.M.SUBRAMANIAM, J.



WEB COPY



O.S.A.No.354 of 2025

and
P.DHANABAL, J.

dsa

O.S.A.No.354 of 2025

20.11.2025