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AS No. 530 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K. RAJASEKAR

AS No. 530 of 2012

and

CMP No.8496 of 2024

and

MP No.1 of 2012

1. Muthukumar
2. Govindarajan
3. Lakshmikantham
4. Sasirekha

**..Plaintiffs /
Appellant(s)**

Vs

M/s. Cuddalore Power Gen Corporation Ltd.,
Rep by its Manager K.Srinivasan,
Regd. Office 443, Anna Salai,
Guna Buildings, Teynampet,
Chennai

**..Respondent(s)/
Defendant**

For Appellant(s):

Ms.Hema Sampath, Senior Counsel.

For Respondent(s):

Mr.P.Dinesh Kumar



JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The plaintiff in O.S.No.134 of 2009 on the file of the Additional District Court / Fast Track Court – II, Cuddalore, are in appeal questioning one portion of the preliminary decree dated 30.01.2012, wherein, while determining the shares to be allotted to the plaintiffs on the one hand and the defendant on the other hand, the learned trial Judge had determined the boundaries to be allotted to each parties instead of determining the shares to be allotted and relegating the parties to further enquire in final decree proceedings with respect to division of property by metes and bounds.

2.The learned Senior Counsel for the appellants pointed out that the respondent herein / defendant had entered into an acquisition of vast tracks of land. It had been contended that this necessitated the appellants to institute a suit for partition and separate possession to protect their property.

3.While passing the preliminary decree, the learned Trial Judge had observed as follows:

“23 மேலும் 2ம் பிரதிவாதி பாஸ்கரன் பாகம் பிரிக்கப்படாத

சொத்தில் அவருக்குரிய பாதி பாகத்தை கிரயம் கொடுத்துள்ளதாகவும்



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தெரிகிறது. அவர் மட்டுமே அந்த கூடுதல் ஒப்பந்தம் (supplemental agreement)ல் கையெழுத்து செய்துள்ளார். வழக்கு சொத்துக்கு வடக்கிலும், மேற்கிலும் உள்ள சொத்துக்களை 1ம் பிரதிவாதி ஏற்கனவே கிரயம் வாங்கிய சொத்தான அவரது பாக சொத்தில் பாதி பாகத்தை, ஆதாவது 57 ஏக்கர் நிலத்தை இந்த தாவா சொத்தின் மேற்கு பகுதியில் தகைமை முறைப்படி (equity) இந்த பாஸ்கரன் பாக சொத்தை 1ம் பிரதிவாதியின் கம்பெனிக்கு ஒதுக்கப்படவேண்டும் என்றும் கேட்டுள்ளார். எனவே 1ம் பிரதிவாதி பாஸ்கரனிடமிருந்து கிரயம் வாங்கிய சொத்து தாவா சொத்தின் மேற்குப்பகுதியில் 1ம் பிரதிவாதி கிரயம் பெற்றுள்ளதால் மேற்கு பகுதியில் 57 ஏக்கர் நிலத்தை 1ம் பிரதிவாதி கம்பெனி தகைமை முறைப்படி (equity) ஏற்படுவதில் இந்த வாதிகளுக்கு எவ்வித பாதகமும் ஏற்படப்போவதில்லை என்றும் எனவே அந்த பாகத்தை தகைமை முறையில் 1ம் பிரதிவாதியின் பாகத்தில் வைக்கப்பட வேண்டியது அவசியமானதாகவே கருதப்படுகிறது.”

4.A reading of the aforementioned portion shows that the learned Trial Judge had, as a matter of fact, determined the boundaries of the property to be allotted to the respondent / defendant. That may not be proper. In a suit for partition, a decree is passed in two stages, one determining the shares and when there is no objection over the shares which are determined relegating the parties for further enquiry to determine the actual area with boundaries to be allotted in



accordance with the shares, which had been determined. That would involve getting a layout of the land, which is the subject matter of the partition and determining the possibility of dividing it into metes and bounds and keeping in mind, the equity of all the parties and not putting any parties to a disadvantage position.

5.The learned Senior Counsel for the appellants pointed out that, if the observations issued by the trial Court are not interfered with, then the appellants would be left with an eastern boundary of the Bay of Bengal and the sand adjoining the Bay of Bengal which would automatically lesser in value than the lands which are more interior from the coast line.

6.We also heard the learned counsel for the respondent, who contended that since acquisition is a fait accompli, the compensation would be paid and since there is no dispute regarding the shares, the compensation would be paid equally among all the parties who are entitled to the same.

7.But however, considering the apprehension raised by the learned Senior Counsel on behalf of the appellant, we would interfere with the preliminary decree insofar as determining the boundaries of the properties to be allotted are concerned, since it had been determined without proper enquiry, which enquiry is contemplated under final decree proceedings alone.



8.The above observation extracted in paragraph No.23 of the judgment is set aside and the parties are relegated to the final decree proceedings to determine the actual lay of the land with specific boundaries which are to be allotted to each of them, according to the shares determined.

9.In view of the above observations, the Appeal Suit is partly allowed without interfering with the shares of the parties. No costs. Consequently, connected Miscellaneous Petitions are closed.

(C.V.K.,J.) (K.R.S.,J.)
07-04-2026

smv

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

To

The Additional District Court / Fast Track Court – II, Cuddalore.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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