



WEB COPY

A No. 1034 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-08-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 1034 of 2026

in

CS NO. 156 OF 2022

Manimekhalai,
No.81/32, Patel Road (ground Floor)
Perambur, Chennai - 600 011

..Applicant(s)

Vs

Smt.Manonmani,
W/o.Rajalingam,
81/32, Patel Road, First Floor,
Perambur, Chennai 600 011.

..Respondent(s)

Prayer in A No. 1034 of 2026: Petition filed under Order XIV Rule 8 of OS.Rules read with Order XXVI Rule 13, 14 & 15 of CPC, praying to appoint an Advocate Commissioner with a direction to inspect the suit A, C and D Schedule mentioned properties which are specifically mentioned in the Judges Summons annexed hereunder as per the preliminary decree dated 28/10/2025 and to file report about the feasibility of division of the said properties.

For Applicant(s): M/s.S.Krishnasamy

For Respondent(s): Mr.V.K.Rajagopalan



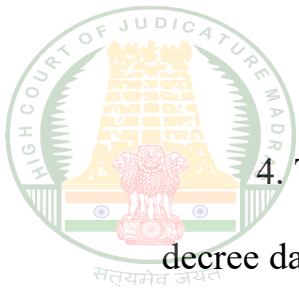
ORDER

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This application has been filed by the applicant/plaintiff seeking appointment of an Advocate Commissioner to inspect the suit 'A', 'C' and 'D' schedule properties and to submit a report regarding the feasibility of dividing the said properties in terms of the preliminary decree dated 28.10.2025 passed by this Court in C.S.No.156 of 2022.

2. Under the preliminary decree, the applicant/plaintiff has been declared entitled to one-half share in the suit 'A' and 'C' schedule properties and three-fourths share in the suit 'D' schedule property. The applicant has also been granted liberty to seek a final decree in accordance with law.

3. The respondent/defendant has entered appearance and filed a common counter affidavit opposing the application. It is contended that both parties are senior citizens and that there is no necessity to divide the properties during their lifetime. It is further contended that the first-floor portion of the 'A' schedule property was constructed by the respondent and her husband, that the 'C' schedule property is being looked after by her son and that a building has been put up in the 'D' schedule property by the applicant's daughter and son-in-law.

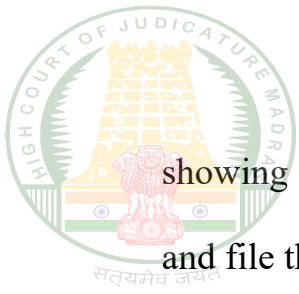


4. This Court has considered the submissions and perused the preliminary decree dated 28.10.2025. The respective shares of the parties in the suit 'A', 'C' and 'D' schedule properties have already been conclusively declared under the preliminary decree.

5. In order to give effect to the preliminary decree and to ascertain whether the suit properties are capable of convenient division by metes and bounds, it is necessary to appoint an Advocate Commissioner to inspect the properties and suggest a feasible mode of division.

6. Accordingly, **Mr.M.Palanimuthu, Advocate (Mobile No. 9444153685; 9940331356) (E-mail ID: ampalaanimuthu@ gmail.com)**, is appointed as Advocate Commissioner to inspect the suit 'A', 'C' and 'D' schedule properties, after giving due notice to both parties and their respective counsel, and submit a report regarding the feasibility of dividing the properties by metes and bounds in accordance with the preliminary decree dated 28.10.2025.

7. The Advocate Commissioner is at liberty to take the assistance of a qualified Surveyor/Civil Engineer and, if necessary, the assistance of the concerned Revenue Officials for the purpose of measurement and identification of the property. The Advocate Commissioner shall prepare a plan/sketch



showing the physical features, measurements, and proposed allotment of shares and file the same along with the report before this Court.

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8. The applicants/plaintiffs shall pay an initial remuneration of Rs.50,000/- to the Advocate Commissioner directly within one week from the date of receipt of a copy of this order, without prejudice to the final determination of the Commissioner's remuneration by this Court.

9. The Advocate Commissioner shall file the report on or before 01.10.2026 .Accordingly, this application is allowed. There shall be no order as to costs.

03-08-2026
[1/2]

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

JRS



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TO
Mr.M.Palanimuthu,
Advocate,
No.95,Additional Law Chambers,
High court Buildings, Chennai 666 104.
Phone Nos. 94441 53685, 9940331356
Email.ID: ampalaanimuthu@gmail.com.



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DR.A.D.MARIA CLETE J.

JRS

**A No. 1034 of 2026
AND
A NO. 1035 OF 2026,CS NO. 156 OF 2022**

03-08-2026