



WEB COPY

CMA No. 2192 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2192 of 2026
and CMP Nos.16755 and 16757 of 2026

K.Delli
S/o.Krishnamoorthy

..Appellant(s)

Vs

1. Kannamani Ammal
W/o.R.Kumaresan
Kasthuri Ammal (Died)

V.Nagarajan (Died)

2. Ramani
W/o.Palani

3. V.Gnanasundari
W/o.Vadivel

4. K.Muralidharan
S/o.Krishnamoorthy

5. K.Dhanasekar
S/o.Krishnamoorthy

6. T.Meenakumari
W/o.Thiruvengadam

7. N.Arulmozhi
W/oLate Nagarajan

8. N.Vasanthakumar
S/o.Late.Nagarajan

9. N.Sakthivel
S/o.Late.Nagarajan



10. N.Vinothkumar
S/o.Late Nagarajan

7 to 10 are
Residing at
No.16, Medavakkam Main Road,
Kilkattalai, Chennai – 600 117

..Respondent(s)

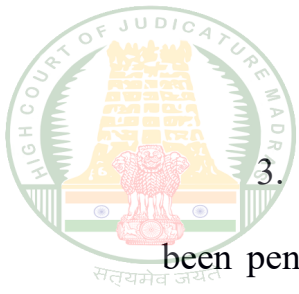
Civil Miscellaneous Appeal filed under Order XLIII Rule 1 of CPC against the order and decretal order dated 27.04.2026 passed in I.A.No.8 of 2025 in O.S.No.37 of 2011 on the file of Additional District Judge, Chengalpattu to allow the appeal.

For Appellant(s): Mr.G.Veerapathiran

Judgment

This Civil Miscellaneous Appeal has been filed against the fair and decretal order passed by Additional District Judge, Chengalpattu, in I.A.No.8 of 2025 in O.S.No.37 of 2011 dated 27.04.2026, wherein the Court below has dismissed the petition filed by the appellant under Order 40 Rule 1 r/w. Section 151 CPC for appointment of an Advocate Commissioner / Receiver to collect the rental income from the tenants and deposit the same in the Court.

2. Heard the learned counsel for the appellant and carefully perused the materials available on record. This Court has also carefully gone through the order passed by the learned Additional District Judge, Chengalpattu.



3. In the case in hand, the suit has been filed for partition. This suit has been pending from the year 2011 onwards. Admittedly, the suit is in the part heard stage. The appellant, who is the 6th defendant in the suit, filed the petition seeking for appointment of an Advocate Commissioner/receiver to collect the rental income from the tenants and deposit the same before the Court.

4. The Court below on considering the petition and also the counter filed by the respondent came to a conclusion that there is absolutely no material produced before the Court to establish that huge rents are being collected by the other co-owners. The Court below found that appointment of a receiver is a discretionary remedy which depends upon the facts and circumstances of each case. The Court below did not find any ground to appoint an Advocate Commissioner or Receiver and accordingly, dismissed the petition.

5. This Court does not find any illegality or perversity in the order passed by the Court below. The suit has been going on from the year 2011 and when it is at the part heard stage, an application is filed for appointment of an Advocate Commissioner / Receiver to collect rents. Such a petition was correctly not entertained by the Court below. If ultimately the Court below passes a preliminary decree and decides the share of the each co-owner, whatever is the income that is fetched by the suit properties will have to be



determined and it has to be shared in line with the shares determined by the Court below while passing the preliminary decree. Therefore, the interest of the appellant is no way affected by the order passed by the Court below. Once the share of the appellant is determined by the Court below, the appellant will always be entitled for the appropriate share in the assets and other income derived from the suit properties.

6. In the light of the above discussion, this Court does not find any ground to interfere with the order passed by the Court below. Accordingly, this Civil Miscellaneous petition stands dismissed.

7. Considering the fact that the suit has been pending from the year 2011 onwards and is presently at the part-heard stage, there shall be a direction to the Additional District Judge, Chengalpattu to dispose of the OS No.37 of 2011, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

15-07-2026

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

RKA
To
The Additional District Judge, Chengalpattu



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N.ANAND VENKATESH J.

RKA

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