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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 27TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.Nos.2499 and 2743 of 2016

in

C.S.No.522 of 2013

1. Mr.N.Jitendra Kumar  
No.19/9, First Cross Street,  
West C.I.T.Nagar, Nandanam,  
Chennai – 600 035.

2. Mr.Nitin Mukesh

3. Mr.Ankit,  
2<sup>nd</sup> and 3<sup>rd</sup> Plaintiffs are residing at  
No.3, Vepery Church Road,  
Vepery, Chennai – 600 007.

..Applicants/Plaintiffs

-Versus-

Dr.T.A.Mohan @ Mohan Aiyaswamy Pillai,  
Represented by his Power of Attorney  
Mrs.N.G.Bhuvaneshwari,  
No.B-22, Syndicate Residency,  
No.3/36, Dr.Thomas First Street,  
T.Nagar, Chennai – 600 017.

..Respondents/Defendants

**A.No.2499 of 2016:**

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to divide the property more fully described in the schedule and allot the 2/3<sup>rd</sup> share to the applicant and also calculate the measne profit from the date of plaint to till date and to that effect decree



may be passed.

**A.No.2743 of 2016:**

Dr.T.A.Mohan @ Mohan Aiyaswamy Pillai,  
Represented by his Power of Attorney  
Mrs.N.G.Bhuvaneshwari,  
No.B-22, Syndicate Residency,  
No.3/36, Dr.Thomas First Street,  
T.Nagar, Chennai – 600 017.

..Applicant

-Vs.-

1. Mr.N.Jitendra Kumar  
No.19/9, First Cross Street,  
West C.I.T.Nagar, Nandanam,  
Chennai – 600 035.

2. Mr.Nitin Mukesh

3. Mr.Ankit,  
2<sup>nd</sup> and 3<sup>rd</sup> Plaintiffs are residing at  
No.3, Vepery Church Road,  
Vepery, Chennai – 600 007.

..Respondents

Application praying that this Hon'ble Court be pleased to pass an order directing the respondents to sell and convey their 2/3<sup>rd</sup> undivided shares in the suit property shown in schedule in the application to the applicant for a sale price Rs.81,00,000/- or such price that may be determined by this Hon'ble Court.

These Applications coming on this day before this court for hearing in



A.No.2499 of 2016 and for the respondents in A.No.2743 of 2016 and Mr.S.A.Rajan, Advocate for the respondent in A.No.2473 of 2016 and for the applicant in A.No.2743 of 2016 and Mr.N.Velmurugan, Advocate Commissioner appearing in person and upon reading the order herein dated 22.12.2020,

It is ordered as follows:-

That a Warrant of Commission do re-issue herein out of and under the seal of this court that Mr.N.Velmurugan, Advocate, E.No.1210 of 1999, Cell No.99402 70400, is appointed herein, as the Advocate Commissioner and he shall go through the report and also shall hold discussion with the expert and to file a supplementary report if he finds there is a necessity to do so.

2. That the A.Nos.2499 and 2743 of 2016 in C.S.No. 522 of 2013 be posted on 31.08.2021 at 2.15. p.m.

WITNESS THE HONBLE MR.JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID THIS THE  
27TH DAY OF JULY 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the       day of       2021.

COURT OFFICER(O.S.)

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A.Nos. 2499 & 2743 of 2016  
in  
C.S.No.522 of 2013

ORDER :-  
DATED :27.07.2021

THE HON'BLE MR.JUSTICE  
N.SESHASAYEE

FOR APPROVAL: 06.08.2021

APPROVED ON: 09.08.2021

Copy to:-

Mr.N.Velmurugan,  
Advocate Commissioner,  
E.No.1210 of 1999,

Cell No.99402 70400.

Correspondence to Note:-



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 27TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.Nos. 2499 and 2743 of 2016

in

C.S.No.522 of 2013

1. Mr.N.Jitendra Kumar  
No.19/9, First Cross Street,  
West C.I.T.Nagar, Nandanam,  
Chennai – 600 035.

2. Mr.Nitin Mukesh

3. Mr.Ankit,  
2<sup>nd</sup> and 3<sup>rd</sup> Plaintiffs are residing at  
No.3, Vepery Church Road,  
Vepery, Chennai – 600 007.

..Applicants/Plaintiffs

-Versus-

Dr.T.A.Mohan @ Mohan Aiyaswamy Pillai,  
Represented by his Power of Attorney  
Mrs.N.G.Bhuvaneshwari,  
No.B-22, Syndicate Residency,  
No.3/36, Dr.Thomas First Street,  
T.Nagar, Chennai – 600 017.

..Respondents/Defendants

WHEREAS the above Application is filed by the applicant praying  
that this Hon'ble Court be pleased to appoint an Advocate Commissioner to  
divide the property more fully described in the schedule and allot the 2/3<sup>rd</sup>  
share to the applicant and also calculate the measure profit from the date of



plaint to till date and to that effect decree may be passed.

**A.No.2743 of 2016:**

Dr.T.A.Mohan @ Mohan Aiyaswamy Pillai,  
Represented by his Power of Attorney  
Mrs.N.G.Bhuvaneshwari,  
No.B-22, Syndicate Residency,  
No.3/36, Dr.Thomas First Street,  
T.Nagar, Chennai – 600 017.

..Applicant

-Vs.-

1. Mr.N.Jitendra Kumar  
No.19/9, First Cross Street,  
West C.I.T.Nagar, Nandanam,  
Chennai – 600 035.

2. Mr.Nitin Mukesh

3. Mr.Ankit,  
2<sup>nd</sup> and 3<sup>rd</sup> Plaintiffs are residing at  
No.3, Vepery Church Road,  
Vepery, Chennai – 600 007.

..Respondents

To

Mr.N.Velmurugan,  
Advocate Commissioner,  
E.No.1210 of 1999,  
Cell No.99402 70400.

WHEREAS the above Application is filed by the applicant praying that this Hon'ble Court be pleased to pass an order directing the respondents to sell and convey their 2/3<sup>rd</sup> undivided shares in the suit property shown in schedule in the application to the applicant for a sale price Rs.81,00,000/- or such price that may be determined by this Hon'ble Court.



WHEREAS in and by an order dated 27.07.2021 made in A.Nos.2499 and 2743 of 2016 in C.S.No.522 of 2013, you have been appointed as a commissioner.

You as a commissioner, are hereby shall go through the report and also shall hold discussion with the expert and to file a supplementary report if you find there is a necessity to do so.

WITNESS THE HONBLE MR.JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID THIS THE  
27TH DAY OF JULY 2021.

ASSISTANT REGISTRAR (O.S.II)



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05.08.2021

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A.Nos.2499 and 2743 of 2016  
in  
C.S.No.522 of 2013

## WARRANT OF COMMISSION

THE HON'BLE MR.JUSTICE  
N.SESHASAYEE

Copy to:-

Mr.N.Velmurugan,  
Advocate Commissioner,  
E.No.1210 of 1999,

Cell No.99402 70400.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 27TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No. 2743 of 2016

in

C.S.No.522 of 2013

1. Mr.N.Jitendra Kumar  
No.19/9, First Cross Street,  
West C.I.T.Nagar, Nandanam,  
Chennai – 600 035.

2. Mr.Nitin Mukesh

3. Mr.Ankit,  
2<sup>nd</sup> and 3<sup>rd</sup> Plaintiffs are residing at  
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..Plaintiffs

-Versus-

Dr.T.A.Mohan @ Mohan Aiyaswamy Pillai,  
Represented by his Power of Attorney  
Mrs.N.G.Bhuvaneshwari,  
No.B-22, Syndicate Residency,  
No.3/36, Dr.Thomas First Street,  
T.Nagar, Chennai – 600 017.

..Defendants

**A.No.2743 of 2016:**

Dr.T.A.Mohan @ Mohan Aiyaswamy Pillai,  
Represented by his Power of Attorney  
Mrs.N.G.Bhuvaneshwari,  
No.B-22, Syndicate Residency,  
No.3/36, Dr.Thomas First Street,  
T.Nagar, Chennai – 600 017.

..Applicant



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-Vs.-

1. Mr.N.Jitendra Kumar  
No.19/9, First Cross Street,  
West C.I.T.Nagar, Nandanam,  
Chennai – 600 035.

2. Mr.Nitin Mukesh

3. Mr.Ankit,  
2<sup>nd</sup> and 3<sup>rd</sup> Plaintiffs are residing at  
No.3, Vepery Church Road,  
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..Respondents

Application praying that this Hon'ble Court be pleased to pass an order directing the respondents to sell and convey their 2/3<sup>rd</sup> undivided shares in the suit property shown in schedule in the applicationn to the applicant for a sale price Rs.81,00,000/- or such price that may be determined by this Hon'ble Court.

These Applications coming on this day before this court for hearing

The court made the following order:-

Mr.N.Velmurugan, Advocate Commissioner appeared before the Court and submitted that he will go through the report and also will hold discussion with the expert and that he may be permitted to file a supplementary report if he finds there is a necessity to do so.



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2.The Advocate Commissioner is so permitted.

3.The Registry is required to re-issue the warrant to the Advocate Commissioner for the said purpose.

4.The Registry is directed to print the name of the Advocate Commissioner in the cause-list and to post the matter on 31.08.2021 at 2.15 p.m.

Sd./-(N.S.S.J.,)

27.07.2017

//Certified to be true copy//

Dated at Madras this the       day of       2021.

COURT OFFICER(O.S.)

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