

**A.No.3752 of 2014  
in C.S.No.515 of 1989**

**P.KALAIYARASAN, J**

This application has been filed for appointment of Advocate-Commissioner to sell the entire suit property and disburse the sale consideration to the parties according to their shares mentioned in the memo of compromise and preliminary decree passed on 28.06.1986.

2. The respondents herein are the second plaintiff and legal representatives of D3. The respondents were called absent and set exparte.

3. The preliminary decree has been passed in terms of memo of compromise on 28.06.1986 allotting 2/17th share to each plaintiffs plus 1/17th share together to the plaintiffs, 3/17th share to D1, 1/17th share to D2 and 2/17th share to D3 to D6.

4. Except the respondents herein all the sharers are the applicants. They averred in the application that suit property is aged more than 150 years and it is in dilapidated condition and totally unfit for living. It is further averred that all the applicants to the suit decided to sell the property for the best price possible and

divide the sale proceeds, as per their respective shares allotted in the preliminary decree. According to the applicants, the respondents are not joining with them for such disposal. Therefore, they have come forward with this application for appointment of Advocate-Commissioner to sell the property and disburse the sale proceeds according to their respective shares.

5. Considering the averments made by the applicants and the fact that the suit property is not only indivisible and also in dilapidated condition, this Court is of the view that the property can be sold and sale proceeds be distributed to the sharers as per the preliminary decree.

6. Accordingly, Mr.M.Kavikannan, Advocate (MS. 2011 / 2012), having office at No.346, 161, Second Floor, Thambu Chetty Street, Opp. Madras High Court, Chennai - 600 001 (Mobile No.96294 79604) is appointed as Advocate-Commissioner to sell the entire suit property morefully described in the Judge's summon and file the report regarding the sale consideration to the parties according to their shares mentioned in the Memo of Compromise and Preliminary decree passed on 28.06.1996 passed in C.S.No.515 of 1989. The initial remuneration of the learned Advocate-Commissioner is fixed at Rs.1,00,000/- (Rupees One lakh only) to

be paid by all the parties equally.

The Advocate-Commissioner is directed to file his report within three months from the date of receipt of a copy of this order.

Post it after three months.

27-04-2017

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