

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 20TH DAY OF FEBRUARY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.5315 of 2014

in

C.S.No.558 of 2014

Srinivasan Chettiar
S/o. Mohan Chettiar
No.39/15, Vaikakaran Street,
Veperi, Purasaivakkam,
Chennai - 600 007. ... Applicant/Plaintiff

-Versus-

1. Devika Rani
W/o. S.Thangavelu
New door No.35, Old Door No.44A,
Thanthai Periyar Nagar 1st Street,
Ayanavaram, Chennai - 600 023.
2. Rajasekar
S/o. Mohan Chettiar
No.39/15, Vaikakaran Street, Veperi,
Purasaivakkam,
Chennai - 600 007. ... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to direct the respondents to deposit the rents received from the item no.1 and 2 of the judge's summons schedule mentioned property.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed by the plaintiff in a suit for partition seeking direction to the defendants to deposit the rents received in respect of the Item 1 and 2 of the suit schedule properties.

2. As regards Item No.1 of the suit schedule property, it is the case of the defendant that the said property had been settled on him by his mother under a registered deed dated 15.02.2013. Therefore, prima facie, the said property absolutely belongs to him, hence, there cannot be an interim direction in the nature sought for in respect of the said property.

3. As regards Item No.2 of the suit schedule property, it is admitted that there were seven tenants, who have paid rents to first defendant/ first respondent. The first respondent has filed a counter affidavit stating that all the tenants are now vacated and building is under lock and key as of today. It is also seen from the documents produced that there were exchange of notices between the tenants and parties to the suit. There is some evidence of rental income from property having been received by the first defendant. In the event of plaintiff succeeds in the suit he will be entitled to accounts/manse profits. Therefore, I see no reason to issue direction as sought for in this application. Hence, this application is dismissed.

Post the suit for "Framing Issues" on 26.02.2019.

Sd./- R.S.M.J.

20.02.2019

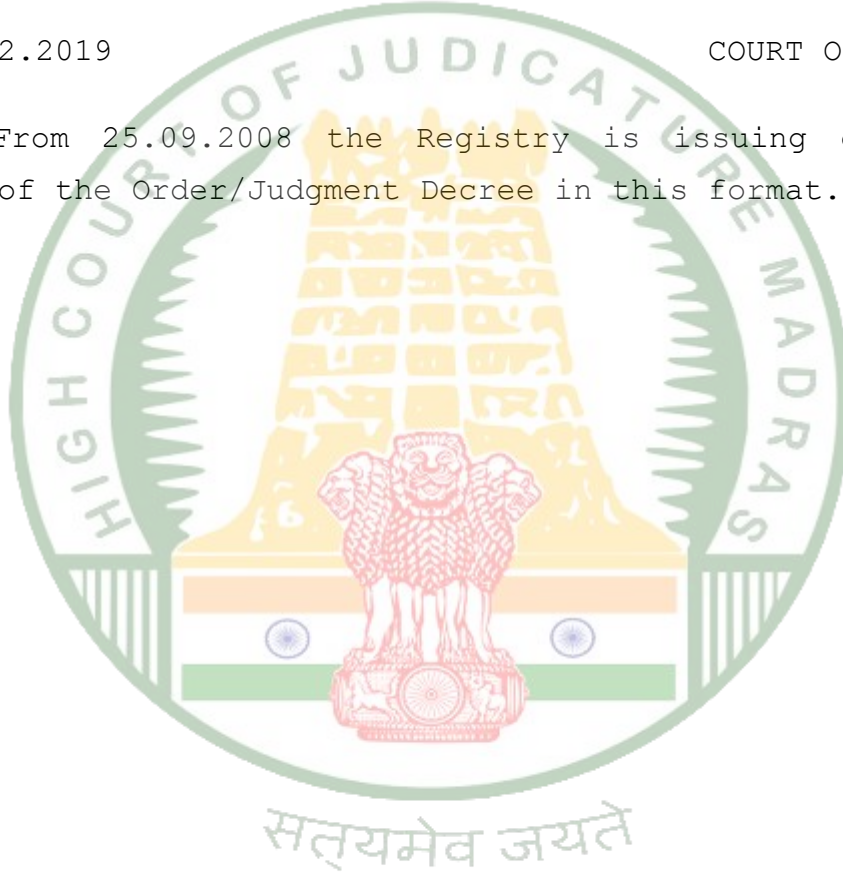
//Certified to be a true copy//

Dated this the day of 2019.

DL/26.02.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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