

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 27th DAY OF MARCH 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A. No.7789 of 2018
in
C.S. No.682 of 2018

S.Shri Subitha,
W/o.Dr.Saravanan,
No.4/315, CLRI Nagar Road,
Ruby Complex Road, Neelangarai,
Chennai-600 115.

... Plaintiff

-Versus-

1. Mrs.P.Mariammal,
W/o.Late N.Pitchaimani,
2. Mr.P.Sakthikumar,
S/o.Late N.Pitchaimani,
1 & 2 are at B-15, Guhaas Apartments,
Thiruvalluvar Salai, Thiruvanmiyur,
Chennai-600 041.
3. Mrs.Adhi Lakshmi,
W/o.Senthil,
Flat No.71, Chaand Towers,
L.B.Road, Thiruvanmiyur,
Chennai-600 041.
4. Mrs.Vijayalakshmi,
W/o.Balaji,
Plot No.11, 1st Floor,
Natco Colony, Kottivakkam,
Thiruvanmiyur, Chennai-600 041.
5. Mr.A.Jeyaraman,
S/o.Alagarasamy,
16/9, 11th Lane,
Indira Nagar, Adyar,
Chennai-20.

6. Mr.A.Ganesa Pandiyan,
S/o.Alagarasamy,
1/404, Vembuliamman Koil Street,
Kottiwalkam, Chennai-600 041.
7. Mr.S.Alagarasamy,
17, Kamaraj Nagar,
Opp. BRIL Ink,
Thiruvanmiyur,
Chennai-600 041.
8. M/s.Ramaniyan Real Estates Private Limited,
No.17/35, 2nd Main Road,
Gandhi Nagar, Adyar,
Chennai-600 020.
9. Jayanthi Jewellers,
10. Amirtha Ice Cream Company,
11. Jai Sports,
12. Gajendra Rubber Stamp Works,
13. Mercy Electronics,
14. Sai Ganesh Enterprises,
15. Mr.Muthu Kumar,
16. Konica Silver Color Lab,
17. Darshan Optics,
9 to 17 are at No.69,
L.B.Road, (Near Thiruvanmiyur Signal),
Thiruvanmiyur, Chennai-600 041.
18. Indus Towers Ltd.,
No.5, Esspee IT Park,
Jawaharlal Nehru Street,
(Opp Jaya TV), Ekkatuthangal,
Chennai-600 032.

19. Tummy Tickle,

20. Cricket Drome,

21. Academy of Indian Music and Arts,

22. Kriyates Recreation Club,

23. MAS School,

24. Karate Training Centre,

25. Mr.Ranjith Baba,
19 to 25 are at 361,
OMR Escapade,
Madha Koil Street,
Okkiam Thoraipakkam,
Chennai-600 096.

26. RK Centring,
5/534, Mada Koil Street,
Vivekananda Nagar, Okkiam Pettai,
Thoraipakkam, Old Mahabalipuram Road,
Chennai-600 096.

27. Mr.Karupiah,
Ward 14, Veerammal Tea Shop,
Kodaikanal Main Road,
Dindigul District,
Pannaikadu-624 210.

... Defendants

A. No.7789 of 2018:-

S.Shri Subitha,
W/o.Dr.Saravanan,
No.4/315, CLRI Nagar Road,
Ruby Complex Road, Neelangarai,
Chennai-600 115.

... Applicant/Plaintiff

-Versus-

1. Mrs.P.Mariammal,
W/o.Late N.Pitchaimani,

2. Mr.P.Sakthikumar,
S/o.Late N.Pitchaimani,
1 & 2 are at B-15, Guhaas Apartments,
Thiruvalluvar Salai, Thiruvanniyur,
Chennai-600 041.

... Respondents/Defendants 1&2

Application praying that this Hon'ble Court be pleased to appoint an advocate receiver or an officer of court as receiver to take possession of the properties described in Schedule A to C in the plaint and morefully described in the Judges Summon herewith filed and manage the said properties including receipt of income by way of rental or otherwise and deposit such income into court to the credit of the suit and also submit accounts periodically pending disposal of the suit.

This application coming on this day before this court for hearing, the court made the following order:-

This application has been filed seeking appointment of Advocate Receiver to collect the rents from the suit properties.

2. The plaintiff has also sought for declaration that the settlement deeds executed by the father on 09.10.2015 and 26.05.2016 bearing Doc. Nos.103/2016, 3825/2016 and 4212/2016 registered in the Office of the Sub-Registrar, Neelangarai and the gift deed dated 22.06.2016 registered as Doc.No.4537/2016 in the Office of Sub-Registrar, Neelangarai as null and void.

3. The plaintiff would contend that the settlement deeds were obtained while the executant viz., her father was taking treatment in the Intensive Care Unit at Fortis Malar Hospital, Adyar, Chennai. Vast extent of properties are involved in the

rents. The relationship is also admitted. In the absence of the settlement deeds the plaintiff would be entitled to inherit as heir of the father.

4. It is the settled law that appointment of Receiver is an extraordinary remedy and cannot be resorted to unless there is proof of acts of waste. Hence, I do not think it will be proper to appoint Receiver. At the same time, the rights of the plaintiff should also be protected, hence, this application is disposed of with directions to the defendants 1 and 2 to file half yearly accounts of rent collection into Court.

Sd./-R.S.M.J
27.03.2019

//Certified to be true copy//
Dated at Madras this the day of 2019.

JJ 09/07/2019

COURT OFFICER(O.S.)
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