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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY THE 13th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.2932 of 2020

in

C.S. No.430 of 2019

1. Mrs.Jayashree Selvakumar
aged 52 years
D/o. Late Mr.A.R.Jagadeeswaran
W/o. Mr.Selvakumar
Bik 131B, Kim Tian Road,
#05-171, Singapore – 162131.

2. Mrs.J.Rajashree
aged 50 years,
D/o. Late Mr.A.R.Jagadeeswaran
W/o. Mr.Lingeswer,
Old No.17/3, New No.47
Kariappa Street, Purasawalkam,
Chennai 600 007.

: Applicants/Plaintiffs

-VS-

1. Mrs.J.Dhakshayini
aged 72 years
W/o. Late Mr.A.R.Jagadeeswaran
Old No.17/3, New No.47
Kariappa Street, Purasawalkam,
Chennai 600 007.

2. Mr.J.Saravanan
aged 47 years
S/o. Late Mr.A.R.Jagadeeswaran
No.161/284, 2nd Street,
Kellys, Purasawalkam,
Chennai 600 007.



Also at:

Old No.17/3, New No.47
Kariappa Street, Purasawalkam,
Chennai 600 007.

... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to (*)

appoint a Commissioner for ascertaining the quantum of rent derived from and rental potential of the schedule mentioned properties.

**(*) Amended as per order dated 20.04.2021
in A.No. 1090 of 2021.**

Sd./-(23.04.2021)

ASSISTANT REGISTRAR(O.S.I)

This application having been heard on 23.06.2021 in the presence of Mr.T.Mohan, for Mr.K.Surendar, Advocates for the applicants herein and Mr.K.Bijai Sundar, Advocate for the respondents herein, and upon reading the judges summons and the affidavit of J.Rajashree and the counter and additional counter affidavits of J.Dhakshyani and the rejoinder affidavit of J.Rajashree filed herein, and having stood over for consideration till this date and coming on this day before this court for orders in the presence of the said advocates for the parties hereto, it is ordered as follows:-

That a Warrant of Commission do issue herein out of and under the seal of this court that Shri.N.Balamurali Krishnan, Advocate residing at Plot No.278, Pillayar Koil Street, Golden George Nagar, Nerkundran, Chennai – 600 107 (Cell No. 98419 46780) be and is hereby appointed **herein as the Advocate Commissioner and he is directed to ascertain the**



quantum of rent derived from and the rental potential of the properties more fully set out in the schedule hereunder.

2. That the Advocate Commissioner appointed herein, be and is hereby directed to visit the properties and take stock of the rents being paid and also the market value of the property for the purpose of ascertaining the potential rental value to be generated out of the said properties.

3. That the Advocate Commissioner appointed herein, shall be at liberty to engage any professional services for ascertaining the present rental value and the potential rental value, in case any need arises in the course of his discharge of duties.

4. That the Advocate Commissioner appointed herein, be and is hereby directed to issue notice/notices to the parties and if required, to the learned counsel representing the parties, whenever he chooses to visit the properties for inspection in furtherance of his duty pursuant to the directions of this court.

5. That the parties hereto, be and are hereby directed to extend their utmost cooperation to the Advocate Commissioner appointed herein when he undertakes to discharge his duty pursuant to the assignment as above, without fail.

6. That the Advocate Commissioner appointed herein shall be paid an initial remuneration of Rs.1,00,000/- (Rupees one lakh only) and the



same shall be borne by the applicants/plaintiffs herein, and the same shall be paid to the Advocate Commissioner forthwith when the Advocate Commissioner issues notice to the parties for his first inspection.

7. That the Advocate Commissioner appointed herein shall also be entitled to be paid an additional expenditure he shall incidentally incur or towards any professional charges for engaging any assistance in discharge of his duties, by the applicants/plaintiffs herein.

8. That the Advocate Commissioner appointed herein be and is hereby directed to complete the exercise and file a report before this Court on or before 30.07.2021.

9. That the A. No.2932 of 2020 in C.S.No.430 of 2019 be posted on 30.07.2021 along with A.No.446 of 2021.

SCHEDULE "A" PROPERTY

ITEM NO.1

All that part and parcel of the land and premises measuring an extent of about 2485 square feet, bearing Old No.62, New No.38, Murugappa Mudali Street, Puraswalkam, Chennai 600 007, bearing C.C.No.766, O.S.No.1203, R.S.No.1348, situated at Purasawalkam Village, Purasawalkam Taluk, Chennai District, situated within the Registration District of Chennai North and Registration Sub-district of Purasawalkam, measuring

North to South on the Eastern and Western Sides : 50 feet 9 inches;

East to West on the Northern and Southern Sides : 50 feet;



Bounded on

North by : Property in Old No.63, New No.36;

South by : Property in Old No.61, New No.40;

East by : Murugappa Mudali Street,

West by : Property in Old No.28, New No.73, Thana Street.

Item No.2

All that part and parcel of the land and premises measuring an extent of about 3098 square feet, bearing Old No.17/3, New No.47, Kariappa Mudali Street, Purasawalkam, Chennai 600 007, comprised in C.C.No.614, O.S.No.1143 (part), R.S.No.626 (part) situated at Purasawalkam Village, Purasawalkam Taluk, Chennai District, situated within the Registration District of Chennai North and Registration Sub-District of Purasawalkam, bounded on

North by : Kariappa Mudali Street

South by : Property belonging to A.R.Jayaraj

East by : Property belonging to A.R.Krishnaraj

West by : Murugappa Mudali Street.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
13th 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.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



SK
WEB COPY
20.07.2021

A. No.2932 of 2020
in
C.S. No.430 of 2019

ORDER

DATED :13.07.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL:20.07.2021

APPROVED ON:20.07.2021

Copy to:-

Shri.N.Balamurali Krishnan,
Advocate Commissioner
residing at Plot No.278,
Pillayar Koil Street,
Golden George Nagar,
Nerkundran,
Chennai – 600 107.

(Cell No. 98419 46780)

Correspondence to Note:-



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(ORDINARY ORIGINAL CIVIL JURISDICTION)

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in

C.S. No.430 of 2019

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Also at:

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Chennai 600 007.

... Respondents/Defendants

To

Shri.N.Balamurali Krishnan,
Advocate Commissioner
residing at Plot No.278,
Pillayar Koil Street,
Golden George Nagar,
Nerkundran,
Chennai – 600 107.

WHEREAS the above Application is filed by the applicant
praying that this Hon'ble Court be pleased to **(*) appoint a Commissioner
for ascertaining the quantum of rent derived from and rental potential
of the schedule mentioned properties.**

**(*) Amended as per order dated 20.04.2021
in A.No. 1090 of 2021.**

Sd./-(23.04.2021)

ASSISTANT REGISTRAR(O.S.I)

WHEREAS in and by an order dated 13.07.2021 made in A.
No.2932 of 2020 in C.S. No.430 of 2019, you have been appointed as the
commissioner.

You as the commissioner, are hereby directed to ascertain the
quantum of rent derived from and the rental potential of the properties more
fully set out in the schedule hereunder.

You as the commissioner, are hereby directed to visit the



properties and take stock of the rents being paid and also the market value of the property for the purpose of ascertaining the potential rental value to be generated out of the said properties.

You as the commissioner, are at liberty to engage any professional services for ascertaining the present rental value and the potential rental value, in case any need arises in the course of your discharge of duties.

You as the commissioner, are hereby directed to issue notice/notices to the parties and if required, to the learned counsel representing the parties, whenever you choose to visit the properties for inspection in furtherance of your duty pursuant to the directions of this court.

You as the commissioner, are hereby informed that the parties hereto are hereby directed to extend their utmost cooperation to you when you undertake to discharge your duty pursuant to the assignment as above, without fail.

You as the commissioner, are hereby informed that you shall be paid an initial remuneration of Rs.1,00,000/- (Rupees one lakh only) and the same shall be borne by the applicants/plaintiffs herein, and the same shall be paid to you forthwith when you issue notice to the parties for your first inspection.



You as the commissioner, are hereby entitled to be paid an additional expenditure you shall incidentally incur or towards any professional charges for engaging any assistance in discharge of your duties, by the applicants/plaintiffs herein.

You as the commissioner, are hereby directed to complete the exercise and file a report before this Court on or before 30.07.2021.

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Street, Purasawalkam, Chennai 600 007, comprised in C.C.No.614, O.S.No.1143 (part), R.S.No.626 (part) situated at Purasawalkam Village, Purasawalkam Taluk, Chennai District, situated within the Registration District of Chennai North and Registration Sub-District of Purasawalkam, bounded on

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WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
13th DAY OF JULY 2021.

ASSISTANT REGISTRAR (O.S.II)



SK- 20.07.2021

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A. No.2932 of 2020
in
C.S. No.430 of 2019

WARRANT OF COMMISSION

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

Copy to:-

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Advocate Commissioner
residing at Plot No.278,
Pillayar Koil Street,
Golden George Nagar,
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