



A.No.9183/2018 in CS.No.714/2011

A.No.9183 of 2018
in C.S.No.714 of 2011

N.SESHASAYEE.J.

This is an application filed by the plaintiff for passing final decree.

2. The preliminary decree for partition was passed on 06.07.2017, in which the plaintiff was granted 1/4th share. The defendants have not paid any Court fee, and sought preliminary decree for their shares and hence there was no preliminary decree passed as concerning their shares. This application is now filed for dividing ¼ share of the plaintiff by metes and bounds.

3. The Commissioner has visited the property and filed her report. The Commissioner has suggested two modes of division of properties, to detail which, she has filed two plans. Since the Commissioner has not numbered the plans, the are now numbered as Plan-I and Plan-II, and in both the plans, she has divided the entire suit property into four plots. It may be mentioned that this division of the plots into four, may not be of any immediate purpose, since this Court is concerned only with granting final decree to the



plaintiff, as concerning her 1/4th share.

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4. Upon hearing the parties and perusing the Commissioner's report, this Court accepts the suggestions made vide Plan-II as it appears to be just, fair and equitable. This is now explained. According to the Commissioner, on the east, there are two plots and on the west, there are two plots. The entire property is surrounded by road or street on three sides. The details are as follows :

	<i>Road / Street</i>	<i>Width of the Road</i>
East	Road (Bajanai Koil Street)	30.6"
North	Road (Bajanai Koil Street)	29.3"
South	Road (Bajanai Koil 3 rd Street)	16.9" x 15.9"

This implies the plot on the east will have a road frontage of 30.6" with two other roads on two sides, one on the north and the other on the south. Based on this, the Commissioner has divided the property into four plots with different extent.

5. The plaintiff submits that she prefers the south-western plot measuring ABEF in Plan-II which covers an extent of 1122 sq.ft., The remaining

2/4



three plots are left for future allotment to the defendants as and when they obtain the preliminary decree.

6. There is a preliminary decree for mean profits but the learned counsel for the plaintiff submitted on instructions that the plaintiff is giving up the claim for mean profits. The same is recorded.

7. The final decree be passed in terms herein above stated. The Plan-II in the Commissioner's report is required to be made part of the final decree. This application is accordingly allowed.

17.11.2021

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