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O.A.No.344 of 2022



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in
C.S.No.98 of 2022

C.V.KARTHIKEYAN,J.,

The application has been filed by the plaintiffs in the suit seeking appointment of a receiver to take charge of the properties described in the schedule to the plaint.

2. The suit had been filed by three plaintiffs, a father, his daughter and his son.

3. The father is the son-in-law of the family. His wife Lalitha Holla and the 1st defendant Harichandra Rao and the 5th defendant Vinod Kumar and the late husband of the 2nd defendant P.Prabhakar Rao were sister and brothers. They were all born to P.Krishna Rao and Mrs.Sulochana.

4. The suit had been filed seeking partition and separate possession of undivided 1/4th share in the two properties given in the schedule to the plaint.



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5. The receiver application is focused primarily on the 'A' Schedule property. The 'A' Schedule property as described in the plaint, is land and building at Old Door No.42, New No.41, Peter's Road, Royapettah, Chennai 600 014 measuring 13,500 sq.ft., approximately 5 grounds and 1500 sq.ft.

6. As on date, a substantial portion of the land is under occupation of the Indian Oil Corporation through a dealer running a Petrol Bunk in that place. There is yet another company, Innovative Space Company also in occupation.

7. A Memo had been filed given the details of the rental amounts paid and it is informed that the Petrol Bunk which is occupying about 5000 sq.ft., is paying a monthly rent at Rs.1,27,050/- and Innovative Space Company is paying a monthly rent at Rs.1,25,000/- and after deduction of 10% towards TDS a sum of Rs.1,12,000/-. The total rental income after adjustment of taxes comes to Rs.2,26,845/- per month.

8. It is claimed by the plaintiff that the defendants are enjoying the entire rental income.



9. The present application has been filed taking advantage of Order 41 of the Code of Civil Procedure to appoint a receiver to take control of this property and ensure that there is equal distribution of the rental amounts.

10. Heard Mr.T.V.Sekar, learned counsel for the plaintiff and Mr.A.S.Narasimhan, learned counsel for the defendants.

11. I must place my deep appreciation to the sanguine manner in which both the learned counsels argued realizing that induction of a third party as receiver would only lead to further complications within the family rather than bringing about peace among them.

12. Mr.A.S.Narasimhan, learned counsel therefore stated that coming to an approximate figure of collection of rents at Rs.2/- lakhs per month, after allowing for statutory taxes and maintenance expenses, the defendants are prepared to forward a sum of Rs.50,000/- every month to the plaintiffs. This is a very sensible decision taken by the defendants. The properties will be retained by the parties to the suit and after preliminary decree is passed, the actual division of the property and the manner in which such division is to be effected can be determined by the Court.



13. Therefore, instead of appointing a receiver let me modify the relief to one which just, taking advantage of Order VII Rule 7 of the Code of Civil Procedure and direct the 4th defendant and 5th defendants to jointly pay a total sum of Rs.50,000/- every month to the plaintiffs.

14. Let the 4th and 5th defendants maintain the accounts of rental amounts received and the shares so paid to the plaintiffs. Let the amount of Rs.50,000/- be paid by way of letters enclosing such payments which can be retained as record and presented before the Court to be examined at the time of passing the final decree.

15. The first payment of Rs.50,000/- shall commence from December 2022 and the amounts should be paid directly to the plaintiffs on or before the 10th of every succeeding English calendar month.

16. Mr.T.V.Sekar, learned counsel stated that the suit had been filed in the month of January 2022 but let me hold over granting any relief for the months of January to November 2022, and a decision in that regard can be taken at the time of passing the final decree.

17. I hope this arrangement would continue without any interruption till the aforementioned two tenants are in possession. If any one of them



vacate, let the defendants get leave from the Court as to the arrangement which they are intend regarding induction of any new tenant, the advance amount which they propose to receive and the monthly rents which they agree to receive from the new tenant, if at all such situation arises. They cannot induct any new tenant without leave of the Court.

18. With the above observations, the application stands closed. No costs.

02.12.2022

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