



C.R.P (PD) No.2248 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P (PD) No.2248 of 2019
and C.M.P. No.14597 of 2019

1.Vijayalakshmi
2.P.A.Thangavel

... Petitioners

Vs.

1.A.Mahalingam
2.G.Thilagavathy
3.G.Saranya
4.G.Deepika

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 20.06.2019 made in I.A. No.547 of 2018 in O.S. No.535 of 2017 on the file of IV Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mrs.AL.Ganthimathi

For Respondents : Mr.R.Bharathkumar for R1
Mr.B.Ravi, for R2 to R4



C.R.P (PD) No.2248 of 2019

ORDER

WEB COPY

This revision is preferred by the plaintiffs in a partition suit in O.S.No.535/2017, wherein they challenge the order passed by the trial court dismissing plaintiffs' application for appointing a receiver in I.A. No.547 of 2018. The dispute pertains to the estate of late Angannan.

2. Heard the learned counsel for all the parties.

3. This court was informed there is a consensus and that the properties were divided earlier among Angannan and his three sons under a registered partition deed dated 11.02.1971, in which Angannan was allotted 'A' schedule in the partition deed, his son Thangavel, the second plaintiff is allotted 'B' schedule in the partition deed, the first defendant Mahalingam, another son of Angannan was allotted 'C' schedule and 'D' schedule was allotted to his last son Gunasekaran.

4. The second point in agreement between the parties is that in the 'A' schedule property in the partition deed, which was allotted to late Angannan, a marriage hall came to be constructed which goes by the name AKA Marriage Hall and



that all the three sons of late Angannan, namely Thangavel, Mahalingam and Gunasekaran have contributed their funds to its construction. It is alleged that Gunasekaran was in management of this marriage hall until his demise in 2017 and thereafter, Mahalingam has taken over the management. Mahalingam, the first defendant, however disputes this aspect of the allegation.

5. The learned counsel for the plaintiffs contends that inasmuch as the aforesaid AKA Marriage Hall was constructed with the funds contributed by all the three brothers, it is to be managed jointly by them or at least a receiver be appointed for its management.

6. The learned counsel for the first respondent submitted that the plaintiffs have sought an appointment of a receiver for the 'C' schedule property in the plaint which comprises not just AKA Marriage Hall but also another marriage hall, namely Vijayalakshmi Kalyana Mandapam, which belongs exclusively to the first defendant.

7. The learned counsel for the plaintiffs now clarifies that she limits her prayer for appointment of a receiver only to AKA Marriage Hall. The suit is of the year



2017 and it is ripe for trial. Having said that, given the context of the suit and the nature of allegation made therein, it is imperative that AKA Marriage Hall is properly managed for the benefit of the parties, therefore, this court constitutes a three member committee as party receivers to manage all the affairs connected with M/s.AKA Marriage Hall alone. The team of receivers will comprise of the first defendant (Mahalingam), second plaintiff (Thangavel) and G.Thilagavathy (second defendant and widow of Gunasekaran) as party receivers. They shall assume office from today as receivers.

8. Since the litigation is pending for close to five years now, the trial court is now required to expedite the trial of the case and try to dispose of the same, preferably by December, 2022. All the receivers are directed to open separate bank accounts, and all the amounts received on booking of marriage halls must be credited directly in the bank account, expend necessary vouchers, and the accounts should be maintained strictly.

9. The Court is informed that the second petitioner has issued a paper publication about the order of stay passed by this Court and consequently, no business is happening in A.K.A. Marriage Hall. The second petitioner now



C.R.P (PD) No.2248 of 2019

undertakes that a fresh paper publication would be issued consistent with the order now passed by this Court in this revision.

10. The revision is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

28.04.2022

Asr /ds

To:
The Judge
IV Additional District and Sessions Court
Coimbatore.



WEB COPY



C.R.P (PD) No.2248 of 2019

N.SESHASAYEE, J.,

ds

C.R.P (PD) No.2248 of 2019 and
C.M.P. No.14597 of 2019

28.04.2022