



WEB COPY

A.No.1260 of 2023
in
C.S.No.925 of 2015
R.N.MANJULA,J.

This Application has been filed to appoint an Advocate Commissioner to inspect the suit schedule properties as specified to the judges summons and to file a report as to the feasibility of division by metes and bounds in order to pass a final decree pursuant to the preliminary decree dated 09.01.2023.

2. The applicant / plaintiff has filed the above suit for partition and separate possession of the schedule properties against his sisters *viz.*, the defendants. The parties have agreed to receive 50% share for the plaintiff and 50% share for the defendants in respect of the suit properties. Therefore, the Court had passed a preliminary decree dated 09.01.2023 declaring the plaintiff's 50% share in the suit schedule properties. Now, the plaintiff has filed this application to appoint an Advocate Commissioner to inspect the suit properties for passing a final decree.

3. Heard both sides. The learned counsel for the respondents has no objection for appointing the Advocate Commissioner to inspect the suit schedule properties and file a report along with the plan showing the manner in which the respective shares of the parties can be divided by metes and bounds.



4. Accordingly,

(a) This application stands ordered.

(b) Ms.R.Chitra, Advocate, having office at No.7/3 Nancy Apartment, Nancy Street, Purasawalkam, Chennai – 600 007 (Enrollment No.Ms240/12 & Phone No.9952028491), is appointed as Advocate Commissioner to inspect the suit schedule properties as specified to the judges summons and to file a report as to the feasibility of division by metes and bounds.

(c) The initial remuneration of the Advocate Commissioner is fixed at Rs.25,000/- (Rupees Twenty five thousand only), which shall be borne by the parties.

(d) The learned Advocate Commissioner, before causing inspection, shall duly give notice to the parties concerned as well as the learned counsels representing the parties and fix the time for her visit and inspection of the schedule properties.

(e) The learned Advocate Commissioner is also directed to take photographs of the property from various angles for the purpose of appreciating the competing claims of the parties.

(f) The learned Advocate Commissioner shall be paid the said initial remuneration immediately on receipt of the notice from the learned Advocate



Commissioner on her visit and inspection of the schedule properties, promptly.

(g) The parties are directed to extend their utmost co-operation to the learned Advocate Commissioner when she inspects the schedule properties for the purpose of carrying out her assignment in terms of the warrant issued by this Court.

5. Post the matter on 06.04.2023 for filing report of the Advocate Commissioner.

06.03.2023

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NOTE :Registry is directed to issue warrant to the Advocate Commissioner.



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