



A.No.2699 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Application No. 2699 of 2023

in

Civil Suit No. 639 of 2015

S. Mary Suganthi

... Applicant/Plaintiff

Versus

S. Ebenezer Rajasekaran

... Respondent/Defendant

Prayer: Application under Order XIV Rule 8 of O.S Rules r/w Order XXXIV Rule 5 (3) and Section 151 of CPC, praying to pass final decree in terms of the preliminary decree dated 28.07.2022 by appointing an Advocate Commissioner and directing him to divide and allot 1/2 allot share to one in respect of the suit properties, morefully described in the schedule hereunder and to hold enquiry regarding the rents payable in respect of the suit properties.

For Applicant/Plaintiff : Mr. K.V.Sundararajan

For Respondent/Defendant : M/s.D.Malarvizhi



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ORDER

This application has been filed by the applicant/plaintiff to pass a final decree in terms of the preliminary decree dated 28.07.2022 by appointing an Advocate Commissioner and directing him to divide and allot 1/2 share to one in respect of the suit properties, morefully described in the schedule and to hold enquiry regarding the rents payable in respect of the suit properties.

2. Pursuant to the preliminary judgment passed by this Court on 28.07.2022 in the suit, A.Nos.2698 and 2697 of 2023 have been filed by the plaintiff to appoint an advocate commissioner to inspect the suit schedule properties and to divide and allot 1/2 share to her in properties, morefully described in the schedule and to hold enquiry regarding the rents payable in respect of the suit properties.

3. After hearing the learned counsel for the plaintiff, this Court, by an order dated 06.07.2023, appointed Ms. V. Rani, Advocate, as Advocate Commissioner to inspect the suit schedule properties; to find



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out the mode of division by metes and bounds to allot 1/2 share to the plaintiff and to hold enquiry and find out the quantum of rents collected by the defendant in respect of the suit schedule properties. In pursuance of the warrant issued by this Court, the Commissioner has also inspected the suit schedule properties along with an Assistant Civil Engineer, measured the same and thereby suggested mode of division in respect of three properties viz., Item-1, Mannady, Item-2, K.K.Nagar and Item-3, Thiruninravur. The Commissioner has filed her report along with plan, photographs and video clippings of properties saved in a pen drive.

4. Today, both the plaintiff and the defendant are physically present and they are represented by their counsel.

5. The learned counsel for the plaintiff submitted that the plaintiff agrees to take Item 2 (K.K.Nagar) and Item-3 (Thiruninravur) of the suit schedule properties. The learned counsel for the defendant submitted that the defendant agrees to take Item-1 (Mannady) of the suit schedule properties. Both the parties have also jointly filed a memo regarding the



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market and guideline valuation of the suit schedule properties.

6. Accordingly, the plaintiff is allotted Item 2 (K.K Nagar) and Item 3 (Thiruninravur) of the suit schedule properties and the defendant is allotted Item 1 (Mannady) of the suit schedule properties.

7. With the above terms, a final decree is passed. The Commissioner's report and plan shall form part of the final decree. The defendant is directed to hand over the original title deeds of the Item-2 (K.K.Nagar) and Item-3 (Thiruninravur) of suit schedule properties to the plaintiff, within a period of one month from the date of receipt of a copy of this order, including the rental agreement.

8. Accordingly, this application is allowed. No costs.

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Index: Yes/No
Speaking/Non-speaking Order
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A.A.NAKKIRAN,J

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