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C.M.P.No.23691 of 2023

in

A.S.No.797 of 2019

R.SUBRAMANIAN, J.

and

N.SENTHILKUMAR, J.

The appeal is against the suit for partition. The petitioner has been favoured with a preliminary decree for partition of his 1/9th share in the suit property. It is admitted that he is residing in a portion of the suit property. While the petitioner has given the Door No.196, the respondent would submit that the petitioner is actually in possession of Door No.197/6. The only objection in the counter is that since the petitioner is not residing in Door No.196, he is not entitled to effect repairs in that portion.

2. Considering the fact that the petitioner is in possession of the different Door number this petition is **allowed** and the petitioner is permitted to do repairs to the portion of the suit property which he is in actual occupation of viz., Door No.197/6. He shall not interfere with the possession of the respondents or others in the other portions of the property, in the guise of doing repair works. He shall also not claim equity in the event of success in the appeal.

(R.S.M.,J.) (N.S.,J.)
11.12.2023

dsa



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