



A.No.2130 of 2024 in C.S No.177 of 2013

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM : JUSTICE A.A.NAKKIRAN

A.No.2130 of 2024

in

C.S.No.177 of 2013

1.Vittobai
Kasthuri (Deceased)
2.K. Damodaran
3.D.Vasudevan

... Applicants/Plaintiffs

Vs.

1.E. Jaganathan
2.J. Srinivasan,
3.B. Nirmala

...Respondents/Defendants

Prayer: Application under Order XIV Rule 8 of the High Court Original Side r/w Order XX Rule 18 r/w Section 151 of CPC, praying to pass final decree by appointing an advocate commissioner to inspect the suit properties as per the schedule annexed in the suit to divide the same into 3 equal shares by metes and bounds and to allot 4/12th share to the applicants jointly.

For Applicants/Plaintiffs : Mr. P. Sesubalan Raja
For Respondents/Defendants : Mr.G.RM. Palaniappan
Advocate Commissioner : Mr. P. Govindarajan

ORDER



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Pursuant to the preliminary judgment passed by this Court dated 21.12.2022, this application has been filed by the petitioners/plaintiffs to pass a final decree by appointing an advocate commissioner to inspect the suit property, measure the suit properties and divide the same into 3 equal shares by metes and bounds and to allot 4/12th share to the applicants/plaintiffs jointly in the petition schedule property.

2. After hearing both sides, this Court, by an order dated 09.08.2024, appointed one Mr. P.Govindarajan, Advocate, as Advocate Commissioner to inspect and measure the suit schedule property allotting respective shares to the parties. In pursuance of the warrant issued by this Court, the Commissioner has also inspected the suit schedule property and measured the same with a licensed surveyor and filed the a report along with a sketch.

3. When the matter came up for hearing today, the



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applicants/plaintiffs and the respondents/defendants are present along with their respective counsel. In the brief mutual discussion among the parties, the following terms in allotting shares are agreed by the parties which is as follows:

4. In so far as “A” Schedule property situated at No.31, Yadaval Street, Kottur, Chennai- 600 085 is concerned, “C” portion facing on the road side is allotted to the 1st plaintiff, “B” portion is allotted to the 2nd plaintiff and “A” portion is allotted to 2nd Defendant since this Court by order dated 19.01.2022 in A.No.142 of 2022 in CS No.177 of 2013 ordered to strike off the 1st and 3rd defendants as prayed therein.

5.In so far as “B” Schedule property situated at No.28, Yadaval Street, Kottur, Chennai- 600 085 is concerned, “C” portion facing on the road side is allotted to the 2nd Defendant, “B” portion is allotted to the 1st plaintiff, and “A” portion is allotted to 2nd plaintiff.

6.In so far as “C” Schedule property situated at No.1,



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Mannappa Naicken Street, Kottur, Chennai- 600 085 is concerned, all parties agreed to sell the same and after selling out of the total consideration, they will divide their respective shares among them.

7. In view of the same, a final decree is passed. The Commissioner's report and sketch shall form part of the decree.

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

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Index: Yes/No
Speaking/Non-speaking Order

lbm

A.A.NAKKIRAN,J



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