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A.No.4703 of 2024

in

C.S.No.224 of 2022

RMT. TEEKAA RAMAN., J.

This application has been filed by the plaintiff seeking for appointment of Advocate Commissioner to effect final decree proceedings.

2. The petitioner/plaintiff filed in C.S.No.224 of 2022 seeking 1/3rd of the partition of share in Item Nos.1 to 9 of the property and allot 1/3rd share in metes and bounds. In respect of Item No.10, it should be divided into 2 equal shares, allotting ½ share to the plaintiff.

3. The defendant has not disputed the nature and character of the property except for Item No.10 concerning the Will. For the admitted portion, Item Nos.1 to 9, the High Court was passed a preliminary decree on 31.10.2023 based on the admission in the written statement filed by D1 & D2 under Order XII Rule 6 of C.P.C., Therefore, the present petition is filed for 1/3rd share in the Item Nos.1 and 9 alone. In respect of Item No.10 in O.P.No.35 of 2023, a preliminary decree passed on 31.10.2023 remains open, necessitating this application.



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RMT.TEEKAA RAMAN,J.,

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4. After hearing the learned counsel for the applicant and after perusing the documents, the suit was decreed as prayed for and preliminary decree was passed. Consequently, Application No.4703 of 2024 is allowed. **Mr.S.Prabhu, Advocate**, No.95, Law Chambers, High Court Buildings, Chennai – 600 104, Mob.No.94441 86995 is appointed as the Advocate Commissioner to inspect and measure the Item Nos.1 to 9 schedule mentioned properties with the help of government surveyor by dividing Item Nos.1 to 9 schedule mentioned properties into three equal shares. The Advocate Commissioner shall inspect the suit property after giving notice to the learned counsel for the applicant and in the presence of the learned counsel for the applicant or his nominee. The learned Advocate Commissioner is also required to file a report and the rough sketch along with photographs of the suit schedule property, on or before 25.10.2024.

5. The initial remuneration of the learned Advocate Commissioner is fixed as Rs.25,000/- to be borne by the applicant / plaintiff.

6. The Registry is directed to issue warrant to the Advocate Commissioner within a period of one week and initial remuneration is fixed at Rs.25,000/- to be payable for the plaintiff for the present.

7. Post the matter on 28.10.2024.

30.09.2024

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