



C.M.A.No.3667 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.03.2024

PRONOUNCED ON : 20.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.3667 of 2021

and

C.M.P.No.21494 of 2021

E.Madankumar

... Appellant/1st Defendant/
1st Respondent

Vs.

1.S.Jothi

... 1st Respondent/Plaintiff/Petitioner

2.P.Varadharaj

3.V.Dharanikumar

... Respondents 2 & 3/Defendants 2 & 3/
Respondents 2 & 3

PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of the Code of Civil Procedure, praying to set aside the order of the learned I Additional District Judge, City Civil Court, Chennai, dated 02.12.2021 passed in I.A.No.2 of 2021 in O.S.No.7125 of 2019 by allowing the above Civil Miscellaneous Appeal with costs.



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For Appellant : Mr.C.Krishna Karthi
for Mr.C.Umashankar
For Respondents : Mr.V.Premkumar for R-1
No appearance for R-2 & R-3

JUDGMENT

The present Civil Miscellaneous Appeal has been filed challenging the order passed in I.A.No.2 of 2021 in O.S.No.7125 of 2019 dated 02.12.2021 on the file of the learned I Additional District Judge, City Civil Court, Chennai, whereby, a receiver was appointed to collect rents from the tenants occupying the suit property.

2. The appellant/first defendant has challenged the order of appointment of receiver before this Court. During the pendency of the present appeal, it is reported that the receiver has not agreed to act as a receiver and the order of appointment of receiver was not enforced. In the meantime, a memo has been filed by the first respondent/plaintiff stating that a preliminary decree declaring the 1/3rd share of the plaintiff has been passed. Final decree proceedings were also initiated and the Advocate



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Commissioner is also appointed to suggest division of properties.

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3. Considering the fact that the order of appointment of receiver has not been enforced till date and now the Advocate Commissioner has been appointed to formulate the partition of the suit property, no further orders are required to be passed in the present appeal.

4. Accordingly, the Civil Miscellaneous Appeal is disposed of with liberty to the appellant to work out his remedy before the Trial Court. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

20.06.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
Lm

To
1.The I Additional District Judge,
City Civil Court,
Chennai.

2.The Section Officer,
V.R. Section,

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High Court, Chennai.

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K.RAJASEKAR,J.

Lm

Judgment made in
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20.06.2024