



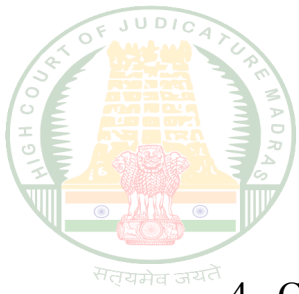
**A.A.NAKKIRAN, J.**

WEB COPY This application is filed by the applicant/plaintiff to issue subpoena to the tenants in occupation of the schedule-D property, morefully stated in the Judges Summons in respect of the property situated at Old No.11A, New No.27, VGP Salai, Saidapet, Chennai-600 015.

2. The learned counsel for the applicant/plaintiff submitted that in respect of D schedule property, there are seven portions which are in occupation of tenants and even in respect of the said portions, the defendants 2 to 4 are exclusively enjoying the rentals and it has been clearly shown in the description of property that it is a land and house measuring an extent of 2340 sq.ft. The names of the seven tenants and the monthly rents paid by them to the defendants 2 to 4 have been specifically shown in para 4 of his proof affidavit and they have also paid advance to his siblings. The said tenants will have to be summoned before this Court to prove that they are paying rents to the defendants 2 to 4 excluding the plaintiff from the enjoyment of the same. Hence, he prays to allow this application.

3. The learned counsel for the respondents/defendants submitted that the applicant/plaintiff did not mention in his pleading about the alleged rent received from the D schedule property. The house property available at 'D' schedule was divided and allotted by the Advocate Commissioner on 22.10.2018 to an extent of 371.05 sq.ft. to the applicant/plaintiff and since then, the applicant has been enjoying his house separately without other's disturbance and the respondents/defendants have also been enjoying their share on the 'D' schedule. The present application is nothing, but only to prolong the proceedings. Hence, he strongly opposed to allow this application.

**A.A.NAKKIRAN, J.**



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4. Considering the facts and circumstances of the case and having satisfied with the reasons stated in the affidavit filed in support of the application, this application is allowed.

10.03.2025

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Note: The Registry is directed to list the main suit before the Additional Master-I for recording evidence on 24.03.2025.

A No.878 of 2025  
in C.S No.132 of 2013