



WEB COPY

A No. 1352 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HON'BLE DR.JUSTICE R.N.MANJULA

A No. 1352 of 2025 in

C.S.No.691 of 1982

M.A.Venkatakrishnan
A-2, Fernhill Apartments, No.1, Rajarathinam Street,
Kilpauk, Chennai 600 010.

..Applicant(s)

Vs

1. M.Nirmala (Deceased) 1.M.RANGAPRAKASH
and 4 others
No.19, Sambasivan Street, T.Nagar, Chennai 600
017., M.Shyamsundar (Deceased)
2. Mrs.M.Leela
Apt B NO.2 BNR II Street, North Boag Road,
T.Nagar, Chennai 600 017.
3. M.Archana
W/o.Late M.Shyamsundar, No.19, Sambasivan
Street, T.Nagar, Chennai 600 017.
4. Niranjana Motamari Venkat
S/o.Late M.Shyamsundar, No.19, Sambasivan
Street, T.Nagar, Chennai 600 017.
5. S.Sowmya
D/o.Late M.Shyamsundar

..Respondent(s)



PRAYER : To direct the Defendants to deposit the calculated rent along with cumulative interest to the credit of the suit C.s.No.691 of 1982 for the Respondents/ Defendants own occupation and usage of the Applicant, for the suit B Schedule Property, since 18/06/1977, till the date of the Final Decree passed by this Honble Court on 27/09/2021.

For Applicant(s): MR.G. Arun Kumar

For Respondent(s): Ms.Kanishca for

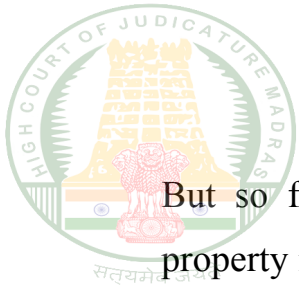
M/s.Nathan Associates for R3 to R5

Mr.R.Pravesh for R1

ORDER

This Application has been filed by the plaintiff claiming a direction against the defendants to deposit the calculated rent along with cumulative interest to the credit of the suit C.S.No.691 of 1982 for the Respondents/ Defendants' own occupation and usage of the Applicant, for the suit B Schedule Property, since 18.06.1977, till the date of the Final Decree passed by this Hon'ble Court on 27.09.2021.

2. On perusal of the order dated 27.09.2021, this Court can only understand that it is a part final decree passed only in respect of A schedule property. The affidavit of the plaintiff filed in this application would only refer to the property in Devaraja Mudali Street which forms part of A schedule property of the suit. In the description also, the applicant has shown 1/4th share for which he claimed partition in the above property in Devaraja Mudali Street.



But so far as the description of the suit property is concerned, the above property in Devaraja Mudali Street falls under Item No.1 under A schedule.

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3. When the part final decree has been passed on 27.09.2021, there is no terms as to the entitlement of past rents or rental dues in respect of the said properties towards the share of the plaintiff till 27.09.2021. Even the defendants to whose share the item 1 of the A schedule property has been allotted, cannot deny the fact that the property had been in joint enjoyment, though some of the defendants alone represented the possession of other sharers by being in actual possession and collecting the rent, if any.

4. As the whole of the final decree has not yet been passed and the Commissioner's report is awaited in respect of other items as well, let the parties give a memo of instructions to the learned Advocate Commissioner himself with regard to quantification of the rents in respect of the property in A schedule until 27.09.2021 on which date the part final decree in respect of A schedule property has been passed.

5. In view of the above observations, this Application is closed.

24-09-2025

GSK



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DR.R.N.MANJULA, J.

GSK

To

1. M.Nirmala (Deceased) 1.M.RANGAPRAKASH and 4 others
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