



WEB COPY

A.No. 4845 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**A.No. 4845 of 2025
in C.S.No.103 of 2022**

1. N.Bibi Hajira
2. N.Halima Ummal
3. Zulaikha
4. N.Oummou Habiba
5. N.Zubaidha
6. O.Badrunisa
7. M.Abdul Hameed
8. M.Shameera Natchial
1. N.Mohamed Ismail

Vs.

...Applicant(s)

...Respondent(s)

PRAYER:- To appoint an Advocate Commissioner to inspect the suit properties and divide the suit properties and allot 58/504 shares each to petitioners 1 to 5/plaintiffs 1 to 5 and 98/504 shares each to petitioners 6 to 9/plaintiffs 6 to 9 in the above C.S.No.103 of 2022.

For Applicant(s): M/s.Kowser Sulthana I.

For Respondent(s): No Appearance

ORDER

The application is filed to appoint an Advocate Commissioner to inspect the properties and divide the properties and allot 58/504 shares each to the petitioners 1 to 5 /plaintiffs 1 to 5 and 98/504 shares each to the petitioners 6 to 9 / plaintiffs 6 to 9 in the suit.



2. According to the petitioner, they are the plaintiffs in the main suit and already they filed the main suit for the relief of partition and separate possession and this Court passed a preliminary decree declaring that the plaintiffs 1 to 5 are entitled to 58/504 shares in “A” and “B” schedule properties each and the plaintiffs 6 to 9 are entitled to 98/504 shares in the “A” and “B” schedule properties and the plaintiffs are entitled to past and future mesne profits. Therefore, they filed a petition for final decree and also filed this application for appointment of an Advocate Commissioner to inspect and divided the suit property by metes and bounds in terms of the preliminary decree.

3. Respondent has not appeared despite notice served on him and his name is also printed in the cause list.

4. This Court heard the petitioners side and perused the records.

5. This Court passed preliminary decree on 04.04.2024, declaring that each of the plaintiffs are entitled to 58/504 shares in the “A” and “B” schedule properties each to the plaintiffs no.1 to 5 and for 98/504 shares for the plaintiffs no.6 to 8 in the “A” and “B” schedule properties. Now the applicants have filed this application for appointing an Advocate Commissioner to inspect and divide



the suit properties. Therefore, it is appropriate to allow this application and accordingly allowed.

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6. Ms.M.Nuzhath Khanam, (M/s 4680/2021) 8903197767 is appointed as Advocate Commissioner to divide the suit properties in accordance with the preliminary decree with the qualified surveyor and to file report and plan by 06.02.2026. Commissioner fee fixed at Rs.25,000/- (Rupees Twenty Five Thousand only) to be paid by the petitioner directly to the Advocate Commissioner.

7. Post the matter on 06.02.2025.

04-12-2025

Mac

To

1.N.Mohamed Ismail
S/o.Late Haji M.A.Naina Mohamed,
No.63, Angappa Naicken Street, 1st
Floor, Mannady, Chennai 1.



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P.DHANABAL, J.
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