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OA NO. 345 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2025

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THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

OA NO. 345 of 2023

IN

CS NO. 552 OF 2019

SUGUNTHALAKSHMI

W/o.Late Damodharan, No.50/34, Vadamalai Street, Kondithope,
Ch-79 and 5 Others

Applicant(s)

Vs

Manohari

W/o.Kothandaraman, No.7, Yadhaval Street, Aminjikkarai, Ch-29
and 9 Others

Respondent(s)

For Applicant(s):

M/s.T.N. RAJAGOPALAN
D.Kanagasundaram

For Respondent(s):

ORDER

O.A.No.345 of 2023 filed to appoint a Receiver and take possession of the schedule mentioned property from the respondents 3 to 9 and further direct the respondents 3 to 9 herein to jointly and severally pay to the Receiver rents/mesne profits received by the respondents 3 to 9.



2. In response to the application, counter filed and the respondents were directed statement of accounts regarding income derived from the property along with an affidavit. Accordingly, statement of accounts and affidavit filed.

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3. On perusal of the statement of accounts and affidavit, this Court finds that the sixth defendant/respondent deriving rental income of Rs.82000/- per month from the schedule mentioned property and the seventh defendant/respondent deriving a sum of Rs.42000/- per month from the schedule mentioned property. The affidavit discloses that the rental income being utilized for repayment of the loan availed by the respective respondents. Both the counsel appearing for the respondents submit that the loan was availed for improving the suit property. The statement of accounts and loan details does not support the submission, except one of the property had been mortgaged as security for the personal loan as working capital availed by the sixth respondent.

4. In the said circumstances, instead of appointing a Receiver, the defendants 6 & 7 themselves be the Receiver. However, the defendants 6 & 7 are directed to open an escrow account and the sixth defendant shall deposit a sum of Rs.50,000/- from and out



of the income derived from the schedule mentioned property in the escrow accou

every month and the seventh defendant shall deposit a sum of Rs.21,000/- every month

in the escrow account until further orders. The deposit shall be from the month of

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February 2025. The statement of accounts to be submitted once in three months by the

respondents.

5.Accordingly, OA NO. 345 of 2023 is disposed of.

23-01-2025
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