



A.No.2141 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Application No.2141 of 2025

in

Civil Suit No.46 of 2017

1.Hema Gandhimathi

2.A.Isai Selvam

... Applicants/Plaintiffs

Vs.

1.M.Devika

2.Master A.Vignesh

S/o.Late A.Mathivathanan

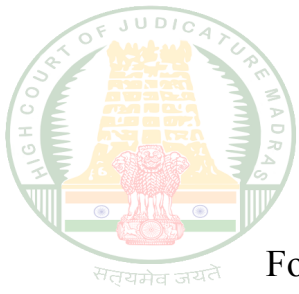
Represented by his mother and
natural guardian M.Devika

3.M.Yukesh Venkataramanan

4.M.Sharmila

... Respondents/Defendants

Prayer: To appoint an Advocate Commissioner in the above suit in C.S.No.46 of 2017 to divide the suit schedule property in terms of preliminary decree passed on 13.11.2024 by metes and bounds into three equal shares and allot one such share each to the first and second plaintiffs/first and second applicants and put them in separate possession and the remaining 1/3rd share to and in favour of the first to fourth defendants/respondents and to file a report.



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For Applicants : Mr.T.K.Kulasekaran

For R1 and R2 : Mr.M.Kamala Kannan

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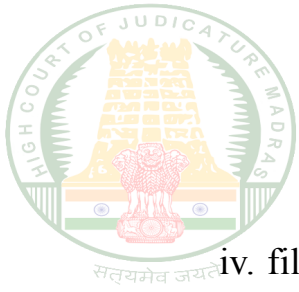
ORDER

This application was allowed on 29.04.2025. Today, it is listed under the caption 'For Clarification', as it has been brought to the notice of this Court that there are typographical errors in the said order, particularly in the cause title, the names of the counsels, etc.

2. This Court has carefully compared the particulars with the case bundle and noticed that there are some mistakes in the prayer as well. For the sake of clarity, this Court has recalled the earlier order dated 29.04.2025 and proposes to pass this order afresh, without altering the decision contained in the said order.

3. This application has been filed for the appointment of an Advocate Commissioner to -

- i. divide the suit schedule property, in terms of the preliminary decree passed on 13.11.2024, by metes and bounds into three equal shares;
- ii. allot one such share each to the first and second plaintiffs/applicants, and to put them in separate possession;
- iii. allot the remaining one-third share to and in favour of the first to fourth defendants/respondents; and



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iv. file a report.

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4. The learned counsel for the defendants / respondents submits that he has no objection to the appointment of an Advocate Commissioner to inspect the suit schedule property and to allot the same in terms of the preliminary decree passed on 13.11.2024.

5. Recording the same, **Mr.G.Vikraman, Enrl. No.2996/2008 having Office at No.27, Law Chambers, High Court Buildings, Chennai - 600 104 (Contact No.98414 46669)**, is appointed as an Advocate Commissioner.

6. The Advocate Commissioner shall inspect the suit schedule properties in the presence of the parties, as well as their counsel, if necessary; divide the suit schedule property, in terms of the preliminary decree passed on 13.11.2024, by metes and bounds into three equal shares; allot one such share each to the first and second plaintiffs / applicants and put them in separate possession; allot the remaining one-third share to and in favour of the first to fourth defendants / respondents; and file a report. The report shall be filed on or before 07.07.2025.

7. The plaintiffs / applicants shall pay a sum of Rs.20,000/- (Rupees



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Twenty Thousand only) and the defendants / respondents shall each pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the learned Advocate Commissioner as initial remuneration. If necessary, the learned Advocate Commissioner may seek additional remuneration by filing an appropriate application.

8. The Registry is directed to issue the necessary 'Warrant' to the learned Advocate Commissioner for the above purposes. Upon filing the report, the learned Advocate Commissioner shall return the 'Warrant' to the Registry.

9. List the case on 10.07.2025 for further orders.

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Index : Yes / No
Internet : Yes / No
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This case is listed under the caption “For Being Mentioned” at the



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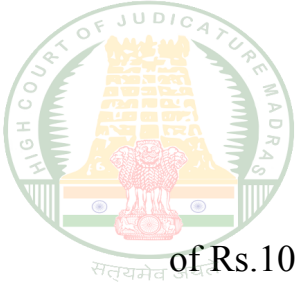
instance of the learned counsel for the fourth respondent/fourth defendant.

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2. M/s.Yamuna, learned counsel for the fourth respondent/fourth defendant earlier appeared before this Court and requested for reduction in the fees payable by the defendants. However, today, there is no representation on behalf of the fourth respondent/fourth defendant.

3. The learned counsel for the plaintiffs/applicants, the learned counsel for the respondents/defendants 1 and 2 and the learned counsel for the third respondent/third defendant are present and submit that the plaintiffs/applicants are entitled to 1/3 share each, whereas all the respondents/defendants together are entitled to a total of 1/3 share. Hence, it is submitted that the fees payable to the Advocate Commissioner should be in proportion with the shares in the property.

4. Having considered the submissions made by the learned counsel for the plaintiffs/applicants and the learned counsel for the respondents/defendants 1 and 2, the learned counsel for the third respondent/third defendant, this Court is inclined to modify Paragraph No.7 by substituting Rs.2,500/- each in the place



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of Rs.10,000/- each.

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5. Accordingly, the Paragraph No.7 in the order, dated 11.06.2025 in Application No.2141 of 2025 shall be substituted as follows:

“7. The plaintiffs/applicants shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only) and the defendants/respondents shall each pay a sum of Rs.2,500/- (Two Thousand and Five Hundred only) to the learned Advocate Commissioner as initial remuneration. If necessary, the learned Advocate Commissioner may seek additional remuneration by filing an appropriate application.”

6. Registry is directed to carry out necessary correction and issue fresh order copy to the parties.

04.07.2025

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