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A NO. 6022 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A.Nos.6022 & 6023 of 2024

in

C.S.No.74 of 2023

S.Prashanth

S/o.Late P.Srinivas, Plot NO.2039, H Block, 15th
Main Road, Anna Nagar, Chennai 600 040. and
another

Applicant(s)

Vs

B Vikram Raaj

Represented by his wife and Power agent Mrs.
R.Thrinethra, S/o. Late Baskaran, No.10, Gandhi
Street, Madura Madanan Kuppam, Puthagaram,
Chennai 600 006., Also at Plot NO.2039, H Block,
15th Main Road, Anna Nagar, Chennai 600 040.
(AMENDED AS PER ORDER IN A.NO.
6642/2023 DATED 14.12.2023)

Respondent(s)

For Applicant(s):

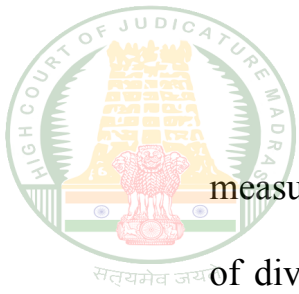
Mr.B.S.Manikandan
(in both applications)

For Respondent(s):

Mr.Y.Prakash
(in both applications)

COMMON ORDER

The application in A.No.6022 of 2024 has been filed to appoint an
Advocate Commissioner to visit and inspect the schedule mentioned property
(with the help of an Engineer) and note down the physical features and take

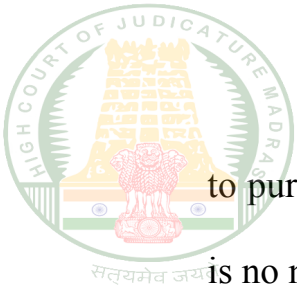


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measurements and file a report with a plan drawn to scale suggesting a mode of division for division of 1/4 share to each plaintiff in the said property as per the preliminary decree and the application in A.No.6023 of 2024 has been filed to pass a final decree as per the terms of the preliminary decree dated 03.04.2024 passed in the above suit in C.S.No.74 of 2023 by dividing the schedule mentioned property into three parts 1/4 share to the each plaintiff and 1/2 share to the defendant and allotting the 1/4 share to each plaintiff in the schedule property by metes and bounds with vacant possession.

2. The learned counsel appearing for the applicants would submit that in a suit for partition, this Court was pleased to pass a preliminary decree on 03.04.2024, holding that the plaintiffs are entitled to 1/4th share each in the suit schedule Items 1, 2 and 3. Therefore, the present applications have been taken out for appointment of an Advocate Commissioner and for passing of a final decree. Hence, he pressed this Court to appoint an Advocate Commissioner to visit the suit property and also file a valuation of the same.

3. Countering his arguments, the learned counsel appearing for the respondent would submit that the suit properties can be divided even without appointment of an Advocate Commissioner and that the respondent is willing



to purchase the shares of the plaintiffs. Therefore, he would submit that there is no necessity to order the present applications.

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4. I have considered the submissions made by the learned counsel appearing on either side.

5. Admittedly, a preliminary decree had been passed in the instant suit, wherein the applicants have been held to be entitled to 1/4th share each in Suit Item Nos.1, 2 and 3 of the suit schedule. Even assuming that the plaintiffs could seek for a pre-emptive purchase of the suit property, the same can be considered only after the property is valued independently. Hence, this Court finds no impediment in appointing an Advocate Commissioner to note down the physical features of the property and also file a report, including the valuation of the suit schedule properties, for which, a preliminary decree can be granted.

6. In fine, Ms.R.V.Rukumani, Advocate, 19, Law Chambers, High Court Building, Chennai – 600 104 (Cell No:9840747011) is appointed as Advocate Commissioner. The Advocate Commissioner shall be entitled for an initial remuneration of Rs.50,000/- (Rupees Fifty Thousand only) apart from



the expenses incurred including the engagement of any Chartered Engineer for valuing the suit property. The same shall be borne by the respective parties in accordance with the shares allotted to them under the Preliminary Decree.

7. In fine, both the applications stand ordered. However, there shall be no order as to costs.

13-08-2025

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Note: Registry is directed to issue necessary warrant by 01.09.2025.

To

1. B Vikram Raaj

Represented by his wife and Power agent Mrs.
R.Thrinethra, S/o. Late Baskaran, No.10, Gandhi Street,
Madura Madanan Kuppam, Puthagaram, Chennai 600
006., Also at Plot NO.2039, H Block, 15th Main Road,
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K.KUMARESH BABU, J.

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