IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

A No. 4640 of 2025
in C.S. No.202 of 2023

1. Prabhjoth Singh Anand
   S/o. Harbans Singh Anand, Door No.1194, 2nd Floor, 6th Avenue, G Block, Anna Nagar, Chennai - 600 040.

..Applicant(s)

Vs

1. Gurupratap Singh Anand
Rep. by its Commissioner, P14, 1109 Big Bazaar Street, Town Hall, Coimbatore 641 001

2. Charanpreet Kaur
D/o. Late Harbans Singh Anand

..Respondent(s)

PRAYER: The application has been filed under Order XIV Rule 8 of Original Side Rules read with Section 151 of Civil Procedure Code praying to direct the 1st Defendant to deposit the Plaintiffs 1/3rd share of the total rental income generated from Item Nos.1 to 6 of the Suit Schedule properties, from the date of institution of the suit until the passing of the final decree into the credit of this suit.

For Applicant (s): M/s.S.V. Pravin Rathinam

For Respondent (s): Mr. H. Karthik Seshadri
for M/s. Iyer and Thomas [for R1]

Mr. R. Murali [for R2]
for M/s. R & P Partners

Mr. P. Sunil,
Advocate Commissioner.

ORDER

The Civil Suit has been filed by the Plaintiff for the reliefs of partition and separate possession and in the Suit, a Preliminary Decree was passed by this Court on 30.11.2023. While passing Preliminary Decree by ordering to divide the properties into three equal shares and allot one such share to the Plaintiff. Further in the same Preliminary Decree, an Advocate Commissioner was appointed to divide the properties and the Advocate Commissioner also inspected the properties along with Engineer, valued the properties and filed his report suggesting to divide the properties.

2. This Court heard both sides. Items 1 to 6 are the immovable properties. Item 7 is the movable properties i.e., bank accounts and company shares. Both sides filed objections for the Commissioner report suggesting for dividing the properties. The learned Commissioner suggested to divide the 1st item property by allotting one lower level and one higher level portion to each of the parties. The Plaintiff is residing in one portion of the 2nd floor and if mutually agreed between the parties, two lower level of built up area to be taken up by one party and two higher level of built up area to be taken by other party and for the remaining party, one lower level and one higher level can be allotted. As far as the items 2 to 6 properties are concerned, they are indivisible

and to that effect, he filed his report. As far as item 7 is concerned, he mentioned the number and value of shares as on 15.07.2024 and suggested to allocate shares by equally dividing the shares.

3. The Plaintiff has filed his objections that the Advocate Commissioner failed to calculate the rentals accrued from the schedule mentioned properties, which are completely enjoyed by the 1st defendant from the year 2018 and the approximate rental income accrued would Rs.2,17,08,000/- and the Plaintiff's share would come around Rs.72,36,000/-. The Commissioner's report in Item 7 is dealt with bank accounts, shares and savings schemes. While ascertaining the value of the same, he failed to take into account that the death of the late parents of the Plaintiff was on 2018 and while evaluating the Item 7, the Advocate Commissioner ought to have ascertained the bank accounts from the year 2018 till today. However, in his report, the value of the shares have been calculated only from the year 2023. The Commissioner's report has not produced the Ledger accounts of the DEMAT account from 2018. The Advocate Commissioner has only taken number of shares from 2023 and this could be lesser than the number of shares in 2018.

4. The 1st defendant has filed his objections to the report of the Advocate Commissioner that Item 1 property is an apartment complex and the Plaintiff is residing in 2nd floor (F2) and the 1st defendant is residing in the Duplex (R1).

The flat F1 is rented out and flat F3 is vacant. The duplex R3 is rented out and R2 is vacant. He has no objection for the allotment of F1 and F2 to the Plaintiff. The flats F2, R2 and R3 may be allotted to the 2nd defendant and the 1st defendant can retain R1 duplex and all other areas in the apartment shall be commonly enjoyed with each of the parties to the proceedings being allotted two covered car parks in the complex. The item 2 may be allotted to the Plaintiff and the two shops in Item 3 may be allotted each to the Plaintiff and the 2nd defendant. The item 4 may be allotted either to the Plaintiff or to the 2nd defendant. The items 5 and 6 may be allotted to the 1st defendant. Item 7 can be divided into three parts.

5. The 2nd defendant has filed his objections that there were several discrepancies in the additional report that in S. No.16, shares of Anant Raj Limited, from the two remaining shares to be allotted, only one share has been allotted to the Plaintiff and other share remains un-allotted. In S. No.97, shares of Oswal Agro Mills Limited, the 2nd defendant is ought to have been allotted with 1410 shares. However, the table states that the 2nd defendant has been allotted only 410 shares leaving 1000 shares un-allotted. In S. No.116, shares SBI Home Finance Limited, in S. No.136, shares of Tata Chemicals Limited EQ and S. No.144, shares of Tata Teleservices (Maharashtra) Limited, from the two remaining shares to be allotted, only one share has been allotted and the other share remains un-allotted. In S. No.186, shares of 'Birla Power Solutions

Limited' instead of allotting only one remaining share, the 1st and 2nd defendants have been allotted one share each. Similarly, S. No.194, shares of Core Education and Technologies Limited, instead of allotting two remaining shares, only one share has been allotted. In S. No.270 to 272, shares of SEPC Limited, the allotment of remaining shares respectively is not clear. In S. No.294, shares of VKJ Infra Developers Limited and in S. No.295, shares of Vodafone Idea Limited, the allotment of remaining shares requires explanation. The two remaining shares of 'Siemens Limited' have been allocated to the Plaintiff and the 2nd defendant in the additional report and the value of the said shares is shown as Rs.7639.80. However, in the "calculation of stock value in rupees" in the additional report, the value of the share has been specified as Rs.7,689.30 which requires an explanation. The Calculation of stock value in rupees need to be revised with clear reference to the particulars of the stocks that are allocated so as to clear the discrepancies.

6. Thereafter, the Plaintiff also suggested for the division of the properties. According to the Plaintiff, the 1st item property, F1 and F2 with two car parking may be allotted to the Plaintiff. R1 may be allotted to the 1st defendant and F3, R2 and R3 may be allotted to the 2nd defendant. Items 2 and 4 may be allotted to the Plaintiff. In 3rd item, one shop may be allotted to the Plaintiff and one shop to the 2nd defendant. Items 5 and 6 may be allotted to the 1st defendant. As far as Item 7 is concerned, the Plaintiff shall be allotted 1/3rd value and the 2nd defendant shall have her 1/3rd value in shares available and

also be compensated by the 1st defendant for the difference of values in the immovable properties.

7. The 2nd defendant suggested two ways to divide the properties, 1st one is that F2 in Item 1 and the items 2 to 4 and the property at Triplicane, Ludhina property, Ajitgarh property may be allotted to the Plaintiff. R1 in Item 1 and the items 5 and 6 may be allotted to the 1st defendant. F1, F3, R2 and R3 in Item 1 with 4 covered car parking to be allotted to the 2nd defendant and the 2nd suggestion is that flats F2, R2 and R3 in Item 1, Items 2 to 4 and the properties in Triplicane Ludhiana property and Ajitgarh property may be allotted to the Plaintiff and Duplex R1 in item 1 and items 5 & 6 may be allotted to the 1st defendant. Flats F1 and F3 in Item 1 with two covered car parking may be allotted to the 2nd defendant.

8. This Court heard both sides and perused the entire records including the Commissioner's report, objections to the Commissioner's report and suggestions made by all the parties. All the parties have no objection for the value arrived by the Engineer, based on the said value, this Court is inclined to allot the shares to the respective parties.

9. All the parties have no objection to allot duplex flat R1 in Item 1 worth about Rs.5.45 crores and items 5 and 6 to the 1st defendant and the total approximate value is Rs.11.10 crores. Similarly in respect of the items 2 to 4,

both the parties have no objection to allot the same to the Plaintiffs. As far as Item 7 is concerned, the Commissioner made suggestions by allotting shares in the report, but considering the fluctuations in the value of shares on day to day basis, it is not appropriate to allot particular share to a particular person. Therefore, shares of Item 7 property can be allotted to the parties, based on the value of shares on the date of passing a final decree and the shares can be equally divided by all the parties or considering the value as on date of passing final decree, particular shares can be allotted to each party and the bank accounts can be divided equally. The only dispute is in respect of the properties situated in Item-1. The Plaintiff agreed to have flats F1 and F2 with two covered car parking and the 2nd defendant can be allotted F3, R2 and R3. The 2nd defendant suggested to allot F2 to the Plaintiff or F2, R2 and R3 to the Plaintiff and F1, F3, R2 and R3 with 4 covered car parking or F1 and F3 with two covered car parking may be allotted to the 2nd defendant.

10. The suggestions made by the 2nd defendant are not convenient to the parties, because if the Plaintiff is allotted only F2 in the 1st item, it is not a proportionate share. If the Plaintiff is allotted F2, R2 and R3 and if F1, F3 with two covered car parking are allotted to the 2nd defendant, then the other defendants will have no sufficient car parking. Therefore, it will not be convenient to the parties as suggested by the 2nd defendant. Whereas the Plaintiff suggested to allot F1, F2 with two covered car parking and F3, R2 and R3 suggested to be allotted to the 2nd defendant and the 1st defendant also

suggested the same. Therefore, after considering all these aspects, ***this Court,*** without prejudice and for better convenience between the parties, ***alloted the shares as follows:***

In **Item 1,**

F1 and F2 with an approximate value of Rs.5.5 crores is allotted to the Plaintiff.

F3, R2 and R3 with an approximate value of Rs.5.5 crores are allotted to the 2nd defendant.

Duplex Flat R1 with an approximate value of Rs.5.5 crores is allotted to the 1st defendant. All other areas are common to all including car parking. As far as car parking is concerned, each can take two car parks on mutual understanding, if the parties are unable to come to mutual understanding, then they can use each two car parks on the basis of who occupied first.

Item 2 is entirely allotted to the Plainitff (Total value: Rs.60 lakhs)

In Item 3 eastern side shop is allotted to the Plaintiff and the western side shop vis allotted to the 2nd defendant (Total value Rs.50 lakhs)

Item 4 is exclusively allotted to the 2nd defendant (Total value – Rs.67 lakhs)

As far as Items 5 and 6 are concerned, all the parties have agreed for alloting the same to the 1st defendant.

The above said allotments are to be made for better convenience of the parties. The Plaintiff's share would around Rs.6.45 crores. The 1st defendant's share would come to Rs.11.10 crores and the 2nd defendant's share would come to Rs.6.52 crores. The 1st defendant has to compensate for the share value of the entire property, which would come around Rs.24.07 crores. The Plaintiff and defendants are each entitled to approximately Rs.8 crores. The remaining amount of Rs.1.5 crores, each to the Plantiff and the 2nd defendant, the 1st defendant has to compensate by way of cost or from any other properties as agreed by the parties. As far as the other properties i.e., the property situated in Triplicane, Ludhina property and Ajitgarh property are concerned, the parties can work out their remedies between them. Since those properties are not formed part of the Suit properties, this Court need not suggest for that. As far as the properties in item 7 are concerned**,** it has to be divided between the parties, based on the value of the shares as on the date of passing final decree.

11. For easy appreciation and understanding, the allotment of shares is given in Tabular column below:

<table>
<tr><th>Sl. No.</th><th>Description of Properties.</th><th>Plaintiff</th><th>1st Defendant</th><th>2nd defendant</th></tr>
<tr><td rowspan="2">1.</td><td rowspan="2">Item 1:
Anna Nagar – Total built up – 8000 sq. ft. – Total Land 5975 sq. ft.
[approx value Rs.16.34 crores]</td><td>Flats F1 and F2 [approx value Rs.5.5 crores]</td><td>R1 Duplex flat [approx value Rs.5.5 crores]</td><td>F3, R2 and R3 [approx value is Rs.5.5 crores]</td></tr>
<tr><td colspan="3">All other portions are common to all the parties including car parks.</td></tr>
<tr><td>2.</td><td>Item 2: Kotturpuram</td><td>Allotted to the Plaintiff.</td><td>-</td><td>-</td></tr>
<tr><td>3.</td><td>Item 3: 2 shops</td><td>Eastern side</td><td>-</td><td>Western side</td></tr>
</table>

	with UDS 139.50 sq. ft. – Total value of property – Rs.49,31,572/-	shop		shop
4.	**Item 4: Byramjunng Bahadur Street, Mount Road – Total value Rs.66,57,723/-**	-	-	Exclusively allotted to the 2nd defendant.
5.	**Item 5: State Bank Street, First Floor - Total Value – Rs.2,78,67,922/-**	-	Allotted to the 1st defendant.	-
6.	**Item 6: State Bank Street, Ground Floor – Total value – Rs.2,80,92,038/-**	-	Allotted to the 1st defendant.	-
7.	**Item 7: (bank account and equity)**	To be divided between the parties.		
8.	**Other properties ie.,** the property situated in Triplicane, Ludhina property and Ajitgarh property.	The parties can work out their remedies between them.		

Therefore, the parties are allotted to the shares as stated above.

12. In view of the above said terms, the ***final decree is passed and Suit is closed.***

MJS

24-02-2026

P.DHANABAL, J.

MJS

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