Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE GK.MUTHUKUMAAR

OSA No. 3 of 2024

CNR:{HCMA012246032023}

AND

CMP NO. 842 OF 2024 & CMP Nos. 13262 of 2026

A.Michael
S/o. Late M.S.Arulanandam

..Appellant(s)

Vs

1. Thenmozhi
   W/o. Late A.Joseph

2. J.Arul Basker
   S/o. Late A.Joseph

3. J.Rapeeta Earnest Mary
   D/o. Late A.Joseph

4. J.Stephen
   S/o. Late A.Joseph

5. A.Jesudass
   S/o. Late M.S.Arulanandam

6. A.Arokia Swamy
   S/o. Late M.S.Arulanandam

7. A.John
   S/o. Late M.S.Arulanandam

8. A.James
   S/o. Late M.S.Arulanandam

9. A.Pouline Mary
   D/o. Late M.S.Arulanandam

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10.A.Augustine
S/o. Late M.S Arulanandam

11.J.Arokia Aruna
D/o. Late A.Joseph

..Respondent(s)

Original Side Appeal filed under XXXVI Rule 9 of Original Side Appeal to set aside the order passed in Application No.741 of 2016 in C.S. No.587 of 2016 dated 29.11.2023

For Appellant(s): Mr. S.L.Sudarsanam

For Respondent(s): Mr.P.Sidharthan for R1 to R4

Mr. Sam Jayaraj Houston
for M/s.Sarvabhauman Associates for R5 to R9

Judgment

(Judgment of the Court was delivered by N.Sathish Kumar J.)

A challenge has been made to the order of the learned single Judge appointing the Advocate Receiver to collect the rents in respect of C-Schedule property.

2. The learned counsel for the appellant contends that despite filing the application, the respondents conceded before the learned Single Judge that they have no claim whatsoever regarding the properties described in Schedules A, B, and D to L and they would restrict their claim solely to the C-Schedule property

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and therefore, the learned single Judge appointed the Advocate Receiver to collect rent in respect of C-Schedule property.

3. The learned counsel for the respondents 1 to 4 would submit that the C-Schedule property is fetching more rent and hence, he sought appointment of an Advocate Receiver.

4. We have considered the rival submissions and perused the materials available on record.

5. Now the point that arises for consideration in this appeal is, whether the order of the learned single Judge appointing the Advocate Receiver requires interference?

6. The suit for partition was instituted in the year 2016 and remains at the stage of framing of issues, owing to the successive applications preferred by the Appellant. This conduct demonstrates that the party in occupation of the suit properties intends to take undue advantage by exclusively enjoying the income derived therefrom. Hence, we are of the view that the learned Single Judge was right in appointing the Advocate Receiver to preserve the rights of the other co-sharers and the said order warrants no interference.

6. In view of the fact that the suit has been pending since 2016, the trial is directed to be expedited. The learned Master shall complete the recording of evidence within a period of three (3) months from the date the issues are framed by the learned Single Judge.

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With the above observation, this appeal is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(N.S.K.,J.) (G.K.M.,J.)
27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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AND
GK.MUTHUKUMAAR J.

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