

**IN THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUPPUR.**

PRESENT : Thiru.C.Sridhar, B.Sc.,B.L.,
(JO Code : TN01286)
II Additional District and Sessions Judge,
Tiruppur.

Thursday, 2nd day of April 2026.

I.A. No. 8/2025
in
O.S. No. 63/2017

Saraswathi

.. Petitioner/Plaintiff

//Versus//

1) Santhamani

2) Valliathal

3) Easwari

4) Sivakami

5) Dhanalakshmi

6) Pushpa

.. Respondents / Defendants

This Petition came before this Court for the final hearing on 04.03.2026, in the presence of Thiru.A.Chinnasamy, Counsel for the Petitioner and Thiru.Swaminathan Gopinath, Counsel for the 6th Respondent and already the Defendant 1 to 5 called absent and set exparte and upon hearing the Petitioner's side and upon perusing the records and having stood for consideration of this Court till this date and today this Court delivers the following :

ORDERS

This Petitioner has been filed a Petition under Order 26 Rule 13 of Civil Procedure Code to appoint an Advocate Commissioner to divide the Suit Schedule Property and pass a Final Decree in accordance with the Preliminary Decree.

2. After appearance of the Respondents and also after hearing the both sides, this Court appointed an Advocate Commissioner on 25.08.2025 and directed the Advocate Commissioner to divide the 1st Item of the Suit Schedule Property and allot 2.66 1/2 Acres to the Plaintiff. The Advocate Commissioner after giving notice to the both sides, visited the Suit Schedule Property and measured the same with help of qualified surveyor and filed his report along with scale plans on 20.01.2026. The both sides have not filed any objection in respect of division made by the Advocate Commissioner.

3. Both sides no witnesses were examined and no documents were marked. The Commissioner Report is marked as Ex.C1. The 1st Scale Plan mentioned by the Commissioner is marked as Ex.C2 and 2nd Scale Plan is marked as Ex.C3.

4. Both sides have been heard. Case documents have been perused.

5. This Petitioner is the Plaintiff in the Suit and she has filed a Suit for Partition against the Respondents/ Defendants in respect of the Suit

Schedule Property and this Court has passed the Preliminary Decree and directed to allot the 2.66 1/2 Acres in the 1st Item of the Suit Schedule Property in favour of the Plaintiff. On Perusal of Decree passed by this Court, it is revealed that the Decree has been passed in respect of the 1st Item of the Suit Schedule Property in favour of the Plaintiff and divide the same and allot an extent of 2.66 1/2 Acres to the Plaintiff. Based on the Decree, the Commissioner has visited the Suit Schedule Property and measured the same with help of Taluk Surveyor and divide 2.66 1/2 Acres in 1st Item of the Suit Property and he filed a 2 proposed plans along with his report.

6. During the arguments, the Petitioner's side Counsel submitted that the 2nd Scale Plan filed by the Advocate Commissioner is very convenient to the Petitioner as well as Respondent. If the 1st Scale Plan filed by the Commissioner is allotted to the Petitioner, there will be very difficult to divide the Property between the Respondents in future. On perusal of 2nd Scale Plan, it is seen that there are 2 right of way existing in the northern side as well as southern side of the Suit Schedule Property. If this Court allot the Property as per 1st Scale Plan, the eastern side Property there will be a difficult to divided between the Respondent in future. Because the eastern portion of the land is very narrow and that will not be divided conveniently. Hence, the considering the nature and circumstances of the

Case and existing right of way, this Court allotted the Property as mentioned in the 2nd Scale Plan of the Commissioner's report, which marked as Ex.C3. The Commissioner's report under Ex.C1 and 2nd Scale Plan Ex.C3 shall form and part of this Final Decree.

7. **In the result**, this Petition is Allowed. The Final Decree is passed as follows:

1) the portion mentioned in 2nd Surveyor's Scale Plan is allotted to the Petitioner.

2) The Advocate Commissioner's Report and Surveyors sketch which are marked as Ex.C1 and Ex.C3 shall form and part of this Final Decree.

3) Two months time granted to deposit the NJS.

Dictated by me to the Steno-typist, typed by her in the Computer, corrected and pronounced by me in the open court on this the 2nd day of April, 2026.

**II Additional District and Sessions Judge,
Tiruppur.**

List of Witnesses and Documents on both sides : Nil.

**II Additional District and Sessions Judge,
Tiruppur.**

Draft / Fair Order

I.A. No. 8/2025 in

O.S. No. 63/2017

Dated : 02.04.2026

II ADJ Court, Tiruppur.