

IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

PRESENT: Thiru. D. SELVAM, M.L.
1st Additional District Judge,
Tirunelveli.

Saturday, the 01st day of August 2026

I.A. No. 08/2026 in O.S. No. 12/2022

Arumugam

... Petitioner/Plaintiff

// Versus //

1. Muthammal (Died)
2. Nambi
3. Krishnan
4. Esakkiammal
5. Lakshmi
6. Nainar
7. Nachiyar

...Respondents/Defendants

This petition came up before this court on 29.07.2026 for a final hearing in the presence of Thiru. S.B.Kamalanathan, Advocate for the Petitioner and 2nd to 7th Respondents called absent, set exparte and 1st respondent died and upon hearing both sides' arguments and on perusing the records and having stood over till this date for consideration, this court delivers the following ...

ORDER

1. This petition has been filed under Order 26 Rule 13 and Order 20 Rule 18 and Section 151 of the C.P.C to appoint an advocate commissioner to divide the schedule property by metes and bounds and allot 1/6 share to the petitioner/plaintiff as per the terms of preliminary decree.

2. The brief averments in the petition are as follows:-

The petitioner is the plaintiff in the suit. The suit is filed for the partition. This court have passed a preliminary decree on 09.10.2025. As per the preliminary decree, the petitioner entitled to get 1/6 share in the plaint schedule property. Hence the petitioner filed a petition to appoint an Advocate as commissioner to divide the schedule property by metes and bounds and allot 1/6 share to the petitioner/plaintiff as per the terms of preliminary decree. Hence, this petition is filed.

3. The respondents are called absent, after due service of notice and set exparte.

4. The Point for determination in the petition is:

Whether the petition can be allowed?

5. During the enquiry, no evidence was adduced and no documents were marked.

6. Answer to the Point: -

6.1. Heard. This court carefully perused the affidavit, petition and case records.

6.2. The suit is filed for the partition. This petitioner has filed the application for determining the final decree as per the terms of the preliminary decree passed by this court on 09.10.2025. The respondents have not come forward to contest this application, and leaving set exparte. Hence, this court would like to allow this petition by the interest of justice.

7. In the result,

(i) This petition is allowed. Mr. B. Vignesh Arumugam, Advocate, MS No: 8022/2025, J/o. Mr. M.S. Abuthahir, Advocate, Tirunelveli Bar Association, is appointed as Advocate-commissioner for the petition. The Commissioner has to visit the suit property with advance notice to the petitioner and his counsel and the respondents and collected petitioner side documents and identified, measured the schedule property with Assistance of qualified surveyor, engineer and allot 1/6 share to the petitioner and submit the report with plan before this court within 2 months.

(ii) This court fixed the remuneration of Rs. 15,000/-. The petitioner shall paid a sum of Rs. 5,000/- to the commissioner directly and remaining amount of Rs. 10,000/- shall be deposited into the court account on or before 05.08.2026. The Advocate-commissioner is directed to complete the work within 2 months and submit the detailed report with plan. Call on 05.08.2026.

This order is directly dictated to the Steno-typist, typed by her in a computer, and corrected and pronounced by me in the open Court, on this the 01st day of August 2026.

1st Additional District Judge,
Tirunelveli.

The petitioners' side witnesses and documents: Nil

The respondents' side witnesses and documents: Nil

1st Additional District Judge,
Tirunelveli.

I Additional District Court,
Tirunelveli
DRAFT / FAIR ORDER
IA No.08/2026 in
OS No. 12/2022
Dated: 01.08.2026