

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU**

**Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.**

**Friday, the 17th day of April 2026
I.A.No.4/2023
in
O.S.No.170/2021
CNR.No:TNCG01-002942-2021**

1.E.A.Sekar (died on 6.8.2024)

2.S.Rajamani

3.Kalavathy

4.Sujatha

(Petitioners 2 to 4 were recognized as legal representatives of the deceased
1st petitioner and petitioners 3 and 4 were impleaded as per order in
IA.No.5/2024 dated 23.6.2025) ...Petitioners/Plaintiffs

-Vs.-

1.J.Rajkumar Mootha

2.R.Asha Mootha

3.Rishab Kumar ...Respondents/Defendants

This Petition coming before this court on 17.4.2026 for final hearing
in the presence of M/s.R.Sugumar, A.Sakthivel, A.Gopinath, counsel for
the Petitioners/Plaintiffs and M/s.J.Baskaran, R.Venkatesh, counsel for
the respondents and upon hearing the arguments of both sides and perusing
the material records and having stood over for consideration till this day,
this Court delivered the following:-

ORDER

This petition is filed under Order 12 Rule 6 and Section 151 CPC to pass a final decree in the suit by allotting any one portion of the half share in the suit property, as per the sketch filed herewith or pass a preliminary decree for partition of petitioners' half share in the suit properties.

1. The petition and counter perused.
2. Both sides heard.
3. The points for consideration:

Upon perusing the petition and counter this court has framed the following point for consideration

“Whether the petition is to be allowed as prayed for”?

4. Answer to the point:

This is an application under Order 12 Rule 6 CPC to pass a final decree in the suit by allotting any one portion of the half share in the suit property, as per the sketch filed herewith or pass a preliminary decree for partition of petitioners' half share in the suit properties. As per the contentions of the petitioners, the respondents have admitted the half share of the petitioners in the suit schedule properties and therefore either the preliminary decree or final decree may be passed. The respondents have filed counter stating that the suit schedule properties are a commercial properties having vacant site. The rough sketch is prepared by the petitioners for their convenience. Therefore, the learned advocate commissioner may be appointed to only divide the properties and to pass

final decree. Therefore, the learned counsel for the respondent contends that final decree need not to be passed in the vacant portion of the suit properties.

5. This court has considered the submissions of the respective side. A cursory perusal of the averments stated in the petition would go to show that the respondents have clearly admitted that the petitioners have got undivided $\frac{1}{2}$ share in the suit properties. Moreover, the learned counsel for the respondents also made an endorsement that he has no objection for passing preliminary decree. As rightly pointed out by the learned counsel of the respondents that the property is a vacant site. Once, the learned advocate commissioner visits the suit schedule properties, takes measurement and divides the properties by metes and bounds, a final decree can be passed. While so, this court is of the view that the petition may be allowed only to the extent of passing preliminary decree. Accordingly the point is answered.

6. In the result, the petition is partly allowed. No cost.

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 17th day of April 2026.

Additional District & Sessions Judge
Chengalpattu.

Both sides Exhibits and Witnesses: **Nil**

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
I.A.No.4/2023 in
O.S.No.170/2021
Dated:17.04.2026
ADJ/CPT
