

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

**Present:- Thiru.P.Ramachandran, B.Sc.,B.L.,
Additional District Judge, Chengalpattu**

.....
Tuesday, the 14th day of July 2026

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

(Plaintiffs 2 to 4 were recognized
as legal representatives of the
deceased 1st plaintiff and plaintiffs
3 and 4 were impleaded as per
order in I.A.No.5/2024 dated 23.06.2025)

...Plaintiffs

..Vs..

1.J.Rajkumar Mootha

2.R.Asha Mootha

3.Rishab Kumar

...Defendants

This suit is coming before this court on 24.06.2026 for final hearing in the presence of M/s.A.Ramesh,R.Sugumar and S.Velmurugan, counsels for the plaintiffs and M/s.J.Baskaran and R.Venkatesh, counsels for the defendants and upon hearing the arguments of both sides, upon perusing the entire material records, in view of the admission made by both the counsels and having stood over for consideration till this date, this Court delivered the following:-

Judgment

The suit is filed to pass a preliminary decree of partition by dividing the suit properties into two equal shares and to allot one such

share to the plaintiffs jointly by metes and bounds by appointing advocate commissioner to do the same with the help of a qualified surveyor and for costs.

1. Plaint averments in brief:-

(i). The plaintiffs state that the 1st plaintiff is the father of the 2nd plaintiff. Through the persistent efforts of the 1st plaintiff, the plaintiffs 1 and 2, the defendants, and one Mr. D. Nareshkumar have jointly purchased the suit properties from S. Rajapandian under a registered sale deed dated 11.08.2006 under Document No. 3790/2006. Since the total sale consideration was high to a sum of Rs. 62,78,400/-(for 36 cents at Rs. 1,74,400/- per cent), the plaintiffs 1 and 2 alone could not mobilise the required funds within a short time and hence the defendants and one D. Nareshkumar joined in the said purchase. Later, a Joint Patta Nos. 9223 and 8790 were issued in their favour on 26.07.2010 by the Deputy Tahsildar, Sholinganallur Taluk in respect of suit items respectively. There was a written contract among the joint purchasers under which each was entitled to a 1/6th share in the suit properties. Though the said written contract was misplaced, each of the plaintiffs 1 and 2, the defendants, and the said D. Nareshkumar are entitled to a 1/6th share in the suit properties as per law.

(ii). One of the joint purchasers, offered to sell his undivided 1/6th share in the suit properties to the 1st plaintiff. Accordingly, the 1st plaintiff purchased the said undivided 1/6th share in the suit properties from the said D. Nareshkumar on 08.03.2019. Due to the requirement of various formalities, the sale deed was duly registered on 18.03.2019 by the Sub Registrar, Velachery, Chennai, in Document No. 1759/2019.

(iii). Thus, the plaintiffs 1 and 2 are together entitled to a 3/6th share, and the defendants are together entitled to a 3/6th share. The plaintiffs 1 and 2 requested the defendants to amicably partition the suit properties into two equal shares and allot one such share to them. Though the defendants agreed, they have not come forward to effect a registered partition.

(iv). The plaintiffs 1 and 2 and the defendants are joint owners and are in joint possession of their undivided half share in the suit properties. As the properties remain undivided, the plaintiffs have filed the present suit for partition and separate possession of their half share by metes and bounds, through the appointment of an Advocate Commissioner.

(v). Pending the suit, the 1st plaintiff died intestate on 06.08.2024, leaving behind the plaintiffs 2 to 4 as his legal heirs. The right to sue continues on them. Hence, the plaintiffs 2 to 4 were recognized as the legal representatives of the deceased 1st plaintiff, and plaintiffs 3 and 4 were impleaded as per the order in I.A. No. 5 of 2024, dated 23.06.2025.

2. Brief of written statement filed by 1st defendant and adopted by defendants 2 and 3:-

(i). The suit is not maintainable in law and on facts. The 1st plaintiff and the 1st defendant were business partners under the name and style of M/s. S.R. Builders, engaged in the business of construction of apartments in and around Chennai for the past twenty years. The suit properties were specifically purchased in the names of the family members of the 1st plaintiff and the 1st defendant exclusively for their own use by putting up a commercial complex and letting it out on rent.

(ii). It is true that the plaintiffs, the defendants, and the said Mr. D. Nareshkumar jointly purchased Item Nos. 1 and 2 of the suit properties under a registered sale deed dated 11.08.2006 through the efforts of the 1st defendant alone, and that Joint Patta Nos. 9223 and 8790 were subsequently issued in their favour, and not by the 1st plaintiff as alleged by the plaintiffs.

(iii). The allegation that the joint purchaser, Mr. D. Nareshkumar sold his undivided share in the suit properties in favour of the 1st plaintiff under a sale deed dated 18.03.2019 in Document No. 1759/2019 is denied.

(iv). The Item Nos. 1 and 2 of the suit properties cannot be divided into two equal shares by metes and bounds by appointing an Advocate Commissioner, as alleged by the plaintiffs, since Item Nos. 1 and 2 of the suit properties are of an irregular shape, and it is impossible to divide them into two equal shares, as alleged by the plaintiffs. Item Nos. 1 and 2 of the suit properties are indivisible and cannot be divided into two equal shares, as sought by the plaintiffs. Even if they are divided into two equal shares, for which the defendants are not conceding, the land could not be put to any use because it would be impossible to obtain any approval from the statutory authorities like the Chennai Metropolitan Development Authority and the Corporation of Chennai. Hence, it is not feasible to divide the suit properties into two equal shares, as alleged in the plaint. The 1st defendant is entitled to compensatory costs under Section 35-A of the CPC, as the plaintiffs are fully aware that this suit is frivolous, vexatious, and unsustainable in law and on facts. Under the above said circumstances, the suit is liable to be dismissed.

3. In the instant case, both the counsels represented that they have no objection to pass preliminary decree. Hence, this court is inclined to pass a judgment based on admission.

4. Issues:-

Upon considering plaint and written statement, this court framed following issues:-

1. Whether the suit is decreed as prayed for?
2. Any other reliefs?

5. Answers to issue nos.1 and 2:-

The suit is filed for the relief of preliminary decree for partition by dividing the suit properties into two equal shares and to allot one such share to the plaintiffs jointly by metes and bounds. The suit schedule properties are All that piece and parcel of vacant land (1) measuring an extent of Hectare 0-03-0 Ares or 8 cents (3488 sq.ft) (full extent) forming a triangle, comprised in Old Survey No 86/7A (Northern side) now separately sub-divided as Survey No.86/7A1, comprised in Patta No.9223, Srinivasa Nagar; and (2) measuring an extent of Hectare 0-11-5 Ares or 28 cents (12208 sq.ft.,) (full extent) comprised in Survey No.86/5, comprised in Patta No. 8790, Srinivasa Nagar, totally measuring an extent of Hectare 0-14-5 Ares or 36 cents or 15696 sq.ft., situated at Madipakkam Village, (then Tambaram Taluk,) now Sholiganallur Taluk.

6. As per the plaintiff's case, the plaintiffs 1 and 2, the defendants, and one Mr. D. Nareshkumar have jointly purchased the suit properties from S. Rajapandian on 11.08.2006. It is further stated in the plaint that the 1st plaintiff purchased the undivided 1/6th share in the suit properties from the said D. Nareshkumar on 08.03.2019. Thus, the plaintiffs 1 and 2 are together entitled to a 3/6th share, and the defendants are together entitled to a 3/6th share. The plaintiffs 1 and 2 and the defendants are joint owners and are in joint possession of their undivided half share in the suit properties. As the properties remain undivided, the present suit is filed.

7. The defendants have filed a written statement and admits that the plaintiffs, the defendants, and Mr. D. Nareshkumar jointly purchased Item Nos. 1 and 2 of the suit properties under a registered sale deed dated 11.08.2006, and that the properties stand in their joint names. Even though the defendants have contended that Item Nos. 1 and 2 of the suit properties are of an irregular shape and cannot be divided into two equal shares, as alleged by the plaintiffs, during the course of arguments, the learned counsel for both the plaintiffs and the defendants submitted that they have no objection to pass a preliminary decree. Having regard to the facts and circumstances of the case, as well as the submissions made by the learned counsel for the respective parties, this court is inclined to

decree the suit by passing a judgment on admission.. Accordingly, the plaintiffs are entitled to a preliminary decree for partition. Hence, Issue No. 1 is answered in favour of the plaintiffs. However, the plaintiffs are not entitled to any other relief. Accordingly, Issue No. 2 is answered.

8. In the result, the suit is allowed. The relief of preliminary decree for partition is granted that the plaintiffs have got undivided half share in the suit schedule properties. Considering the facts and circumstances of the case, the parties shall have to bear their respective costs.

Dictated by me to the Stenographer and directly typed by her in the computer, corrected and pronounced by me in open Court this the 14th day of July 2026.

sd/-P.Ramachandran
Additional District Judge
Chengalpattu.

List of witnesses and exhibits on both sides: Nil

sd/-P.Ramachandran
Additional District Judge
Chengalpattu.

Draft/Fair Judgment
O.S. No. 170/2021
Dated : 14.07.2026
ADJ/Chengalpattu.
