

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI

PRESENT: Tr.M.Seyadhu Sulaiman Ussain, B.A., B.L.,  
District Munsif, Vadipatti

Dated this the 29<sup>th</sup> day of August 2017

I.A.No.179/2016 in O.S.No.43/2015

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Tmt. Rajammal (died)

1. Thiru. Venkitasami
2. Thiru. V. Govindasamy
3. Tmt. R. Rani
4. Ms. R. Amutha
5. Ms. R. Latha

: Petitioners/Defendants 2 to 6

/Versus/

Thiru. K.P. Alagarsamy (died)

1. Tmt. Kamalam
2. Thiru. Senthilkumar
3. Thiru. Loganathan
4. Tmt. Bhuvaneswari
5. Tmt. Kalavathi

: Respondants/Plaintiffs 2 to 6

This Petition coming on this day for hearing before in the presence of Thiru. R.A. Mohanram Advocate for the Petitioners/Defendants and Thiru. A.R. Sethupathy Advocate for Respondants/Plaintiffs, and this court delivered the following:

**ORDER**

Petition Filed by the Petitioner/Defendant Uner Order 26 Rule 9 and 151 CPC.

Upon the direction of the Hon'ble High Court this petition is filed by the defendants in the Suit.

The Hon'ble High Court has specifically given direction to co-relate the suit property with Ex.B1. But on the plaintiff side, counter is filed to the effect that title deeds of both parties have to be taken into consideration before fixing the property. In view of the Hon'ble High Court order, the stand of the plaintiff cannot be accepted. However, it is open to him to file objection, if any to the proposed commissioner report.

Considering the overall facts and circumstances of the case and more particularly the direction of the Hon'ble High Court, this appoints Mr. K. Ramasamy, Advocate as Advocate Commissioner in this case.

The Advocate Commissioner is directed to co-relate the property mentioned in the Ex.B1, with the suit property by availing the service of Qualified Surveyor as expeditiously as possible preferably within a period of 1 month from Today.

He shall give due notice to the respective parties. The commissioner fee is fixed as Rs.7500/-. The petitioner is directed to make the payment in 1 week.

Order Pronounced by me in open court this the 29<sup>th</sup> day of August 2017.

### **Schedule of Property**

In Madurai District, in Vadipatti Taluk, in Neerathan Village, in Naththam Survey No.5/2, in Patta No.13 in R.S. No. 313/4 vacant house site measuring East- West 33 feet, North - South on the East 57 feet and on the West 50 feet bounded:

North	:	By the building belonging to C.Alagarsamy
South	:	By the Plot belonging to petitioner
East	:	By the vacant site belonging to defendants
West	:	By the vacant site belonging to Muthu Kulasekaran and others.

Sd/-  
M. Seyadhu Sulaiman Ussian,  
District Munsif,  
Vadipatti.

//TRUE COPY//