

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR.**

**Present :Thiru.P.Nagarajan, M.A., M.L.,
II Additional District and Sessions Judge, Thanjavur.**

**Monday the 2nd day of February 2026
(Thiruvalluvar Aandu 2057- Thai Matham 19th day)**

I.A. No.4/2026 in O.S. No.204/2025

- 1) Mumtaj Begum
- 2) Meharaj Ghani

.....Petitioners/Defendants 2 & 3

/vs/

- 1) Mohamed Jaffar

- 2) Mohamed Nazar

.....Respondents/Plaintiff/1st defendant

This petition having come up for final hearing before me on 22.01.2026 in the presence of Thiru.**M.Gajendran**, Advocate for the Petitioners/defendants 2, 3 and of Thiru.**V.Balasubramanian**, Advocate appeared for the 2nd and 3rd respondents and R1 died and upon hearing the arguments of petitioner side, upon perusal of the entire material records pertaining to the case and the matter having stood over for consideration till this date, this court delivered the following

ORDER

1) The petitioners/defendants 2& 3 filed this petition under order 26 Rule 9 of CPC to pass an order to appoint an advocate commissioner to take an inventory of the Bureau as well as all the movables in the petition mentioned property described in the accompanying application.

2) The Summary of the Affidavit is as follows:

The 1st petitioner is the 2nd defendant in the original suit and the petitioner filed this application on behalf of her sister the and 2nd and 3rd petitioner in the suit.

The 1st respondent herein filed the suit for partition claiming 2/6 share in the suit property as against themselves and the 2nd respondent herein. They filed the detailed written statement disputing the false claim of the 1st respondent/plaintiff. The petitioners themselves jointly executed a registered settlement deed dated 27.05.2025 in favour of the 2nd respondent/1st defendant in respect of the properties described in the accompanying application. As such the 2nd respondent/1st defendant had become the absolute owner of the said property comprised in the Survey No.431/38. The 1st respondent/plaintiff requested his brother the 2nd respondent/1st defendant, herein to help him join their parents. Thus he was permitted to reside with his parents with fond hope that he would maintain and take care of his parents and he has no family at that time. In fact after joining with his parents he used to beaten their parents and do not provide food for them and never allowed them to see their parents. Further, they have been prevented by the 1st respondent/plaintiff in entering the petition mentioned property wherein their parents were living. The petitioner have handed over 25 sovereign of her gold jewels in the year 2015 to her father to be kept in his Bureau in the petition mentioned property in his custody. Unfortunately their father Mohamed Sali died on 01.12.2025 leaving his articles and other things which he had used prior to his death. The said Bureau used by our father was kept under lock and custody which was in his control till his death. Moreover all of their articles including the second respondent's articles are kept in the petition mentioned property which is the 3rd item of the suit property. The petitioner's father kept several valuables and other movables in the petition mentioned property for his use. Now it has become

necessary to appoint an Advocate/commissioner to take an inventory of the Bureau as well as movables in the petition mentioned property. No prejudice will be caused to other side if this application is allowed. Hence prayed to allow this petition.

4) Point for consideration:

Whether the petitioners are entitled to the relief sought for?

5) Point:

Considering the petitioners' side argument and perusal of records, this court views that the advocate commissioner properties are necessary to inspect and in the interest of justice this court decides that the petition is to be allowed. Hence, it is ordered that this petition is allowed and Advocate Thiru. **S.Prabu, M.S.No.781/2016**, is appointed as an advocate commissioner in this suit and his fee is fixed at Rs.10,000/- and the petitioners are directed to pay the fees to him directly. The advocate commissioner is directed to inspect the suit properties after giving notice to all the parties and their counsels and the Advocate/Commissioner is directed to submit his report along with the sketch on or before **02.03.2026**. Call this petition on **03.03.2026**.

Dictated to the Steno-Typist directly, typed by her in computer, corrected and pronounced by me in the open court, this the **02nd day of February 2026**.

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

ORDER in
I.A. No.4/2026 in
O.S. No.204/2025
DATED: 02.02.2026