

IN THE COURT OF DISTRICT MUNSIF, LALGUDI

**Present: Thiru.S.Pragatheeshwaran, M.A.,B.L.,**

Principal District Munsif,

Lalgudi.

Wednesday the 28th day of January 2026

**IA.No.1/24 in OS.No.11/2021**

Muthukannu

....Petitioner/Plaintiff

Vs

Manickam Ammal

....Respondent/Defendant

This petition has came up for final hearing on 28.01.2026 before this court in the presence of Advocate Mr.M.Shanmugasundaram the learned counsel of this petitioner and in the presence of Advocate Mr.C.Muthu the learned counsel of the respondent, upon perusal of material records and having stood over for consideration till this day, this court delivers the following.....

**ORDER**

Petition filed Under Order 26 Rule 13 of CPC

1) On perusal of this petition that the petitioner filed this petition to appoint the Advocate Commissioner for division of the suit properties in pursuance of preliminary decree passed on 11.03.2016. Hence, he prayed for allow this petition.

2) On the other hand the respondent filed a counter stating that this petition is not maintainable either in law or on facts. The petitioner has not come with clear hands and suppressed the facts of the case. This respondent set exparte and for non filing of written statement and exparte preliminary decree only passed against this respondents. The respondent have taking steps to set aside the exparte decree. The petition mentioned property can not be divided and its description are wrong. Hence, this petition required to the dismissed.

3) Points for consideration is whether the petition is allowed or not?

4) It is not in dispute that the petitioner filed a suit for partition against the respondent in which, preliminary decree was passed on 11.03.2016. The respondent was set exparte for non filing of written statement and exparte decree was passed in favour of the petitioner in which, it is ordered that the petitioner entitled to 1/2 share the suit property.

5) On the basis of the preliminary decree in order to draft a final decree appointment of Advocate Commissioner is necessary. Hence, this court is inclined to allow this petition.

6) This court inclined to fixed the Advocate fees Rs.15000/- for division of suit property into 1/2 share. In the result, this petition ordered as,

i) Advocate Mr.D.Gowthaman is appointed as Advocate Commissioner and fee fixed as Rs.15,000/- (Fifteen Thousand Only) to be paid to advocate Commissioner directly by the petitioner to the Advocate Commissioner under due acknowledgment and produced the acknowledgment before this court on or before 07.02.2026 failing which the petition shall stand automatically dismissed.

ii) The Advocate Commissioner is directed to measure the land and value the schedule properties and made allotment to the petitioners as per the preliminary decree and file detail report along with plan.

iii) The petitioners shall take all endeavor steps to complete this commission as early as possible.

iv) The petitioner shall pay Advocate Commissioner fee on or before 07.02.2026.

v) Warrant of commission to be issue after payment of commission fee.

Call on 07.02.2026.

This order dictated by me to the steno-typist typed by him, corrected and pronounced by me in the open court this 28th day of January 2026.

District Munsif,  
Lalgudi.

**Petitioners side witness and evidence** - Nil

**Respondents side witness and evidence** - Nil

District Munsif,  
Lalgudi.