



A.No.2142 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 2142 of 2025

in

C.S. No. 46 of 2017

1. Hema Gandhimathi, D/o.late C.Adikesavan &
W/o.A.Kumaran
No.59/252, Thiruvenkatapuram Main Road,
Choolaimedu, Chennai-94
2. A.Esai Selvam S/o.late C.Adikesavan
No.59/252, Thiruvenkatapuram Main Road,
Choolaimedu, Chennai-94

..Applicant(s)

Vs

1. M.Devika W/o.late A.Mathivathanan
No.59/52, Thiruvenkatapuram Main Road,
Choolaimedu, Chennai-94
2. A.Vignesh (minor) S/o.late A.Mathivathanan
Rep.by his mother and natural guardian
M.Devika, No.59/52, Thiruvenkatapuram Main
Road, Choolaimedu, Chennai-94
3. M.Yukesh Venkataramanan, S/o.late
A.Mathivathanan
No.59/52, Thiruvenkatapuram Main Road,
Choolaimedu, Chennai-94
4. M.Sharmila, D/o.late Mathivathanan
No.G-7, Bharath Flats, R.V.Nagar, Anna Nagar
East, Chennai-102

..Respondent(s)



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PRAYER: To pass a final decree in terms of preliminary decree dated 13/11/2024 in the above suit being C.S.No.46 of 2017, dividing the suit schedule property into three equal shares and allot one such share each to the Plaintiffs 1 and 2 and the remaining 1/3rd share equally to and in favour of defendants 1 to 4.

For Applicant(s): M/s.T.K.Kulasekaran
V.Arul Mozhi

For Respondent(s): Mr.M.Kamalakaran for D1 & D2.
Mr.V.Vivek for D3.
Ms.K.Jamuna for D4.
M/s.G.Vikraman - Advocate Commissioner
Report Filed 30999/2025
Final Report Of The Adv Comm, REPLY
FILED D.NO.22579, 22669/2026

ORDER

The application has been filed for passing a final decree in terms of the preliminary decree dated 13.11.2024 in C.S. No. 46 of 2017.

2. Pursuant to the earlier orders of this Court, the learned Advocate Commissioner inspected the suit property and filed a report dated 10.06.2026. The report records that the inner wall, standing within the extent of 3 feet 2 inches, which had been directed to be cleared from the applicants' share, remains. It also records that a substantial portion of the entrance grill gate and the wooden double door, falling within the applicants' share, has not been removed.

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3. Respondents 1 and 2 have filed objections, contending that the earlier direction related only to the measurement of 3 feet 2 inches and not specifically to the inner wall. This objection cannot be accepted. The earlier orders required respondents 1 and 2 to leave the structural extent of 3 feet 2 inches, forming part of the applicants' share, free from obstruction, enabling the applicants to proceed with demolition and enjoyment of their allotted portion. The direction therefore covered every wall, fixture or structure standing within that extent and obstructing the implementation of the order.

4. The learned Advocate Commissioner has therefore reported that respondents 1 and 2 have not complied with the earlier orders of this Court.

5. Accordingly, the learned Advocate Commissioner is directed to take the necessary steps to remove the offending construction or obstruction that impedes the execution of this Court's orders. The learned Advocate Commissioner is at liberty to engage an appropriate agency for this purpose and, if necessary, to seek police protection.

6. The applicants have undertaken to bear the expenses incurred in connection with such removal. Respondents 1 and 2 shall provide the necessary access and



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shall not obstruct the learned Advocate Commissioner or the agency engaged by him in carrying out the work.

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7. The learned Advocate Commissioner shall file a compliance report, together with photographs, within two weeks.

8. List the matter on 07.08.2026 for filing of the compliance report.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

AY

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