



WEB COPY

A No. 2142 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-08-2026

CORAM

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

A No. 2142 of 2025

in

CS.NO.46 of 2017

1. Hema Gandhimathi and another
No.59/252, Thiruvenkatapuram Main Road,
Choolaimedu, Chennai-94
2. A.Esai Selvam
No.59/252, Thiruvenkatapuram Main Road,
Choolaimedu, Chennai-94

..Applicant(s)

Vs

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

..Respondent(s)

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

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For Respondent(s):

M/s.M.Kamalakannan for D1, D2 & D3

M/s.K.Jamuna, for D4.

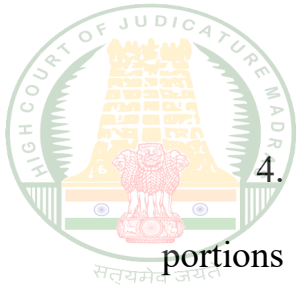
M/s.G.Vikraman - Advocate Commissioner

ORDER

The learned Advocate Commissioner has consistently reported that the suit property cannot be effectively partitioned under the preliminary decree unless the existing superstructure is completely demolished, as partial demolition is structurally unsafe. The final report reiterates that partition by metes and bounds is practically feasible only upon complete demolition of the existing superstructure.

2. Defendants 1 and 2 have already been granted sufficient opportunities to vacate. By order dated 03.08.2026, their request for two years' time was declined, and they were called upon to place their proposal for vacating the premises.

3. In order to give effect to the preliminary decree, Defendants 1 and 2 are granted a final period of six weeks from today to vacate the portion in their occupation and hand over the same to the learned Advocate Commissioner.



4. The other parties in occupation shall also make their respective portions available to the learned Advocate Commissioner within the same period.

5. List the matter after six weeks i.e. on 28.09.2026.

JRS

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DR.A.D.MARIA CLETE, J.

JRS

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