

OA No.



24

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
25.02.2025**PRONOUNCED ON**
23.06.2025

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THE HONOURABLE MR JUSTICE K.KUMARESH BABU**OA No.892 of 2024****in****CS NO. 84 of 2022**

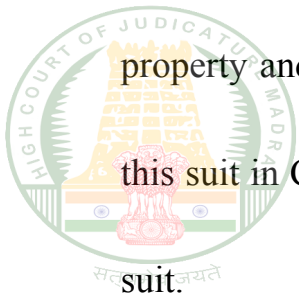
K.M.Syed Khalifa Applicant(s)

Vs

- 1.Shameem Banu
- 2.Syed Hussain Khalifa
- 3.N.H.M.Mehar Banu
- 4.N.H.M.Sabiya
- 5.N.H.M.Nabisal
- 6.Shamsu Nisha
- 7.Thanseela
- 8.Dilsath Respondent(s)

For Applicant(s): Mr.D.Abdullah**For Respondent(s): Mr.A.L.Ramamoorthy for R1**
Mr.Ravichandran Sundarsan for R2
Mr.K.P.Ashok for RR3 to 8**ORDER**

In a suit for partition, an application to appoint a Receiver to collect the rents from the tenants in occupation of Item 1 of Suit “B” schedule property, item I and II of the suit “C” schedule



property and Item II of the suit “D” schedule property and deposit the same to t of
this suit in C.S.No.84 of 2022, had been taken out by the applicant who is the plaintiff in the
suit.

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2. The same had been resisted by the first respondent by contending that the plaintiff and the other defendants are colluding together to whittle down a Hiba that had been made by her husband in respect of the suit schedule properties. She would further submit that certain of the properties are under the control of the applicant and the respondents 2 to 8 and they are receiving the rents from the said property without sharing any part to her. She would further submit that in respect of the suit schedule properties various properties are in possession of the respective respondents for their own use and occupation, these all have been suppressed by the applicant. Therefore, there is no necessity for appointment of receiver.

3. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

4. The case of the applicant is that the first respondent is in possession of the various properties mentioned in the suit schedule and is enjoying the rents all by herself detrimental to the interest of the plaintiff and the other respondents. On the contrary, it is the case of the



first respondent that the applicant and the defendants 2 to 8 are also in possession of the various properties and they are enjoying the rents from the said properties. It is not disputed that certain of the properties are in possession of the parties in the present suit. In such view

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of the matter, this Court is of the view that before appointing an Advocate Receiver, it would only be appropriate to appoint an Advocate Commissioner to inspect all the immoveable properties in the schedule to the suit comprised in Schedule-B, C & D before proceeding to appoint an Advocate Receiver.

5. In such view of the matter, ***Mr.Ronan Sathyan, Advocate, (Phone No.7448417040) residing at No.20, 2nd Street, Parthasarathy Nagar, Adambakkam, Chennai – 600 088,*** is appointed as an Advocate Commissioner and considering the fact that there are about 8 items in Schedule, the initial remuneration for learned Advocate Commissioner is fixed at Rs.1,00,000/-. He is also entitled for expenses incurred for the inspection of the properties that are situated outside the jurisdiction of this Court. The learned Advocate Commissioner shall inspect the subject properties and file Report by 11.07.2025. Issue warrant by 30.06.2025.

List the matter on 11.07.2025

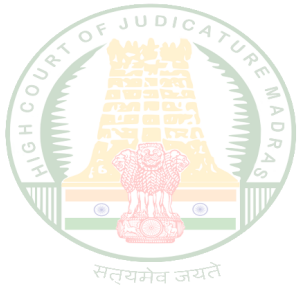


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K.KUMARESI



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Pre-delivery Order in
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in
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