

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.298 of 2017

and

O.A.No.402 of 2017

1. S.Kasthuri

2. S.Subramani

3.S.Sangeeta Alias Geeta

4.S.Shankaralatha Alias Latha

.... Plaintiffs

Versus

1.M.Kalidass

2.K.Anusuya

3.K.Sudha

4.K.Aruna

5.K.Vijai

... Defendants

Plaint filed under Order IV Rule 1 of O.S.Rules read with Order XXIV of O.S.Rules and read with Order VII Rule 1 of Civil Procedure Code for a Judgment and decree for Partition of the plaint Schedule properties Item No.1 to Item No.5 by metes and bounds and allot half share to the plaintiffs and put the plaintiffs in separate possession of their half share and for costs of this Suit.

For plaintiffs	:	Mr.M.B.Raghavan
For defendants	:	Mr.S.Vasudevan

ORDER

The suit is filed for the following reliefs :-

i) for a Judgment and decree for Partition of the plaint Schedule properties Item No.1 to Item No.5 by metes and bounds and allot half share to the plaintiffs and put the plaintiffs in separate possession of their half share and

ii)for costs of this Suit.

2. Mr.M.B.Raghavan, learned counsel for the plaintiff and Mr.S.Vasudevan, learned counsel for the defendant would submit that the disputes between the parties have been settled before Mediation centre, attached to this Court.

3. It is further submitted that all the parties have appeared and signed in the Memorandum of compromise entered into between them and the Memorandum of compromise has also been signed by their respective counsel. The Memorandum of compromise reads as follows:

The plaintiffs and the defendants agree that a compromise decree in terms hereof shall be passed by this Hon'ble Court as per the following terms :

1. The plaintiffs and the defendants agree that the properties referred in para 8 of the plaint are purchased from the joint family business of the 1st plaintiff's late husband Mr.M.Soundara Pandian

alias M.S.Pandian and the 1st defendant M.Kalidoss.

2. Out of the said properties referred in para 8 the properties, referred in para 10 consisting of 8 items are already allotted under oral partition to the plaintiffs 1 to 4. They are set out in para 10 excepting item No.8 in which the plaintiffs claimed only 3570 Sq. Ft. being vacant land out of 40 cents.

3. Out of the said properties referred in para 8, the properties referred in para 10 consisting of 10 items of property are allotted under oral partition to the defendants which are referred in para 11 of the Plaint excepting item No.3, in para 11 in which the defendants claim 13870 Sq.ft. out of 40 cents.

4.The property which requires to be partitioned is the plaint schedule property in respect of which a dispute arose and a compromise reached between the Plaintiff's and the defendants with a view to avoid litigation considering the relationship and therefore both the Plaintiffs and the defendants are filing this memo of compromise in respect of the plaint schedule property which includes the disputed claim referred in para 2 and para 3 of the memo of compromise.

5.The 1st Plaintiff is allotted item Nos.1,2,3 and 4 and referred to in the schedule to this compromise and marked red in the plan 1

and plan 2 respectively.

6. The plaint schedule item No.5 measures 40 cents. As already stated in para 3, 3570 Sq. ft. is allotted to Mrs. Kasthuri the 1st plaintiff. The remaining 13870 Sq.ft. is allotted to M.Kalidoss the 1st defendant. The portion allotted under this partition to the 1st plaintiff is shown in blue colour in the plan No.3 annexed herewith and the rest of the portion allotted to the defendants is also shown in green colour in the same plan 3.

7. The 1st plaintiff's one third interest in the common passage of item No.6 in the plaint schedule property, is allotted to the share of M. Kalidoss the 1st defendant herein and that M. Kalidoss will be entitled to the full common passage measuring 7 cents. It is marked green in the plan No.3 annexed herewith.

8. The parties namely the plaintiffs and the defendants shall bear their respective costs of this proceedings.

9.Both the plaintiffs and the defendants pray that this compromise decree be sent to the concerned Sub Registrar's office

for noting in their records by orders of this Hon'ble Court and thus render justice.

4. In view of the above compromise, the suit is decreed in terms of the memorandum of compromise and the memorandum of compromise shall form part of the decree.

5. Registry is directed to refund the Court fees to the plaintiff as per law.
No costs. Consequently, connected application is closed.

28.04.2017

Index: Yes/No
Internet: Yes/No
Speaking / Non speaking

vsi2

To

The Sub Assistant Registrar (O.S.)
High Court, Madras.

K.KALYANASUNDARAM, J.

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