

Appliction No.1844 of 2015
in
C.S.No.833 of 2010
R.SUBBIAH, J.,

This application has been filed by the applicants/plaintiffs praying to them to withdraw the suit schedule Item No.1 property from the purview of the suit reliefs and to delete the said property from the suit relief and from the plaint.

2.In the affidavit filed in support of this application, it has been averred that the present suit has been filed for partition and separate possession of the applicants/plaintiffs' 30/72 share in the suit schedule item Nos.1 & 2 properties, apart from other reliefs. But, in view of the family arrangement between all the applicants and the respondents 1 to 4, they have decided to discharge a portion of the debt payable to the 5th respondent-Bank by selling the suit schedule Item No.1 property at Madurai, for which the 5th respondent-Bank has also given consent to accept a sum of Rs.1,00,00,000/- as part payment in partial discharge of the dues to them. Hence, the present application has been filed seeking to delete the schedule Item No.1 property from the plaint.

3.The learned counsel for the respondents 1 to 4 submitted that they have no objection for allowing this application as prayed for. The

5th respondent has also filed a affidavit stating *no objection* for allowing this application.

4.Hence, this application is allowed as prayed for and the schedule Item No.1 is ordered to be deleted from the purview of the suit relief and the from the plaint. The applicants/plaintiffs are directed to carry out necessary amendment in the plaint.

Post the matter on 27.03.2015 for reporting compliance.

13.03.2015

SSV

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