

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.4.2016

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

A.S.No.221 of 2011

1.K.Rajalakshmi
2.K.Jayakumar
3.K.Leelakrishnan

... Appellants

vs.

1.N.Kannan
2.Murali Manoharan
3.Senthil
4.Sampath
5.Murugan
6.J.Moses

... Respondents

(No relief is claimed against
the respondents 2 to 6 herein
in the above appeal and hence
they are given up)

PRAYER: Appeal Suit is filed under Section 96 of C.P.C. against the judgement and decree dated 17.07.2006 made in O.S.No.4328 of 2001 on the file of the Additional District Judge, Chennai Fast Track Court-II.

For Appellant :Mr.P.C.Harikumar
for M/s.PC.Harikumar Associates
For Respondents :Mr.M.Kosalaraman for R1
RR 2 to 6 given up

J U D G M E N T

The appeal has been filed by the plaintiffs aggrieved over the dismissal of partition suit filed by them against the respondents. Defendants 2 to 6 were tenants. During the pendency of the suit D2 to D6 vacated the premises, therefore, the suit against them was not pressed even before the Trial Court.

2. The 1st respondent/1st defendant is the husband of the 1st appellant and appellants 2 and 3 are sons of 1st appellant and 1st respondent.

3. When the matter is called today, all the parties are present before this Court and they have categorically stated that they would settle the matter and they have also filed a joint memo of compromise agreeing to partition the suit property as per the memo of compromise.

4. The original extent of the property was 2720 sq.ft..

A schedule of property measuring an extent of 884 sq.ft. was acquired by the State of Tamil Nadu for the purpose of extension of Road. The land measuring an extent of 1830 sq.ft. situated at Door No.78, North Red Hills Road, Villivakkam, Chennai-600 049 comprising in S.No.278/2(Part) in No.71, Konnur Village, Perambur-Purasawalkam Taluk, has been more fully described in Schedule-B of the property.

5. As per the memo of compromise, the property has to be divided into three portions. C- schedule of property measuring an extent of 610 sq.ft. is allotted to K.Rajalakshmi and N.Kannan, the 1st appellant and 1st respondent for their life time. After their life time, their shares shall go to K.Dhinakaran, the son of the 1st appellant and the 1st respondent. D-schedule of property measuring an extent of 610 sq.ft is allotted to K.Jayakumar, the 2nd appellant herein. Similarly, E- schedule of property measuring an extent of 610 sq.f.t. is allotted to K.Leelakrishnan, the 3rd appellant herein.

6. The subject matter has been settled between the parties

as per their statements made before this Court and in terms of the memo of compromise signed by the parties. The appeal suit is decreed in terms of the memo of compromise. The memo of compromise shall form part of the decree. No costs. Consequently the connected M.P.No.1 of 2012 is closed.

27.04.2016

Internet:Yes/No

Index: Yes/No

vk

To

The Additional District Judge, Chennai (Fast Track Court-II).

N.KIRUBAKARAN,J.

VK

A.S.No.221 of 2011

27.04.2016