

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.235 of 2016

1.S.Srilekha

2.S.Raju

... Plaintiffs

(1st plaintiff declared as Major and the maternal uncle R.Rathnakumar discharged from the guardianship as per order dated 09.12.2016 in A.No.6556 of 2016; 2nd plaintiff represented by their next friend/maternal uncle R.Rathnakumar)

Vs

1.V.Malliga

2.M.Lakshmi alias Vijayalakshmi

3.K.Jothi

4.D.Jayanthi

... Defendants

(Amended as per order dated 09.12.2016 in A.No.6557 of 2016)

Plaint filed under Order VII Rule 1 of the Civil Procedure Code read with Order IV Rule 1 of the Original Side Rules.

For Plaintiffs : Mr.Sugumar R.Rajulu

For Defendants : Mr.S.Gopi

J U D G M E N T

Learned counsel for the plaintiffs as well as the defendants submit that the dispute has been amicably settled between the parties before the

Mediation on 26.09.2016 and the parties had entered into memo of compromise dated 26.09.2016. In view of the compromise entered into between the parties, the suit is decreed in terms of the compromise entered between the parties and the same shall form part of the preliminary decree. The memo of compromise dated 26.09.2016 entered between the parties is extracted hereunder:

“MEMORANDUM OF COMPROMISE ENTERED INTO BETWEEN THE PARTIES TO THE SUIT.

The parties to the above suit have arrived at a compromise and enter into this Memo of Compromise and agreed to the following terms of compromise:

1.The plaintiffs herein filed suit for partition with respect to the plaint schedule mentioned property. The defendants are the sister of the plaintiffs' father. The defendants entered appearance in the suit and the suit was posted for Mediation on 19.09.2016.

2.Before the Mediation, the plaintiffs' were represented by their maternal uncle R.Rathnakumar and the 1st, 2nd and 3rd defendants were present. It was agreed between the parties by consensus that the suit property may be divided into 6 (six) equal shares and the plaintiffs shall be entitled to one share each i.e., 1/6th share for 1st plaintiff and 1/6th share for the 2nd plaintiff. It was also agreed that all the four defendants shall take 1/6th share each.

3.The 1st plaintiff has now attained majority and the case was posted for the appearance of the 1st plaintiff and the appearance of 4th defendant on 26.09.2016.

4.Today (26.09.2016) all the parties to the suit are present for mediation. The quantum of apportionment was explained to all the parties in the presence of the mediators and the counsel on record for the plaintiffs and the defendants.

5.All the parties to the suit agreed to divide the suit property into six equal shares. As per the consensus arrived, the 1st plaintiff and the 2nd plaintiff are entitled to 1/6th share each in the suit property i.e., the plaintiffs are entitled to 2/6th share. All the four defendants are entitled to 1/ 6th share each i.e., in the remaining 4/ 6th share the 1st, 2nd, 3rd and 4th defendants are entitled to 1/6th share each. The parties to the suit agree for a preliminary decree to be passed as per the above terms of compromise.

6.Both the parties shall be at liberty to identify prospective buyers for suit property at market value. Since the 2nd plaintiff is a minor, the parties may after identifying the prospective buyer file an application before the Hon'ble Court seeking leave to execute the sale deed in favour of the prospective buyer.

7.The plaintiff agrees that there shall be no order as to mesne profits.

8.The parties to the suit have agreed to a preliminary decree and judgment to be granted in terms of the above said compromise and the parties to bear their own costs and

thereby set their hands, seal and signature to this Memo of Compromise.”

2.In view of the above, the suit in C.S.No.235 of 2016 is decreed as prayed for. No costs.

Index : Yes/No
Internet : Yes
va

23.12.2016

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

K.KALYANASUNDARAM, J.

va

C.S.Nos.235 of 2016

23.12.2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.S.No.748 of 2016

1.S.Srilekha

2.S.Raju

... Plaintiffs

(Both plaintiffs are represented by their next friend/maternal uncle
R.Rathnakumar)

Vs

1.Govindammal (Died on 18.09.2013)

2.V.Malliga

3.M.Lakshmi

4.V.Jothy

4.V.Jayanthi

... Defendants

Plaint filed under Order VII Rule 1 of the Civil Procedure Code
read with Order IV Rule 1 of the Original Side Rules.

For Plaintiffs : Mr.Sugumar R.Rajulu

For Defendants : Mr.S.Gopi

J U D G M E N T

In view of the memo of compromise entered into between the parties
in the suit in C.S.No.235 of 2016, the suit was decreed in terms of the

memo of compromise dated 26.09.2016. Hence, the prayer in the suit in Tr.C.S.No.748 of 2016 has become infructuous.

K.KALYANASUNDARAM, J.

va

2.In view of the same, the suit in Tr.C.S.No.748 of 2016 stands dismissed as infructuous. No costs.

Index : Yes/No
Internet : Yes
va

23.12.2016

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

Tr.C.S.Nos.748 of 2016