

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2016

CORAM

THE HONOURABLE MR. JUSTICE **M.M.SUNDRESH**

C.S.No.287 of 2016 and O.A.No.420 of 2016

S.Guhan

...Plaintiff

Vs.

1. S.Sakthivel
2. Sudha Sakthivel
3. M.Prabakaran
4. J.Narayanan
5. M.Manivannan
6. R.Sakthivel
7. B.Gopi
8. K.Hemanth Kumar

...Defendants

PRAYER: Plaint filed under Order 7 Rule 1 of Code of Civil Procedure read with Order XXIV of the O.S.Rules,

A. to pass a preliminary Judgment decree for partition.

(i)directing the defendants 1 and 2 to effect a division of items 1,2,3 and 5 the suit properties into 4 equal shares, taking the road approach, right of access, easementary rights and all other rights of convenient enjoyment in to consideration, and allot 1 such share to the plaintiff.

(ii)directing the defendants 1, 2 and 3 to effect a division of the 4th item of the suit property in to 8 equal shares and allot 1 share to the plaintiff.

- (iii) directing the defendants 1,2, 7 and 8 to effect a division of the 6th item of the suit property into 4 equal shares and allot 1 share to the plaintiff.
- (iv) directing the defendants 1,2,4, 5 and 6 to effect a division of the 7th item of the suit property in to 4 equal shares and allot 1 share to the plaintiff.
- (v) directing the first defendant to divide the 8th item of the suit property in to 2 halves and allot one such share to the plaintiff and effect name transfer within the time to be stipulated by this Court and put the plaintiff in separate possession of such divided shares

and making provisions for appointment of an advocate commissioner for making such division and allotment of shares as per the terms of the preliminary decree in the event of the defendants failing to comply with the directions within the stipulated time and for passing of a final decree,

B. Awarding the costs of this suit payable by the defendants to the plaintiff.

C. Grant such other and further reliefs.

For Plaintiff : Mr.K.Bijai Sundar

For Defendant No.2 : Mr.T.Murugamanickam

Defendants 1, 3 to 8 : No appearance

J U D G M E N T

The plaintiff has filed this suit for partition

and separate possession.

2. When the matter is taken up for hearing, the learned counsel appearing for the plaintiff submitted that the dispute has been resolved between the parties, therefore, plaintiff is not willing to proceed with the suit further and request has been made for withdrawal of the suit. Further it is submitted by the learned counsel for the plaintiff that a memo has been filed on the file of this Court on 18.08.2016.

3. The learned counsel appearing for the defendant no.2 has also got no objection.

4. It is seen that the defendants 1 to 8, though served, have not chosen to appear before this Court. However, the memo stated to have been filed, is not available before this Court, though a copy of the same has been furnished by the learned counsel appearing for the plaintiff. What the plaintiff want is to withdraw the suit, in view of the settlement appeared to have been happened between the parties.

In such view of the matter, the suit is permitted to be withdrawn as settled out of this Court and the same is dismissed as withdrawn as settled out of this Court. The endorsement made by the learned counsel for the

plaintiff is also recorded. Consequently, connected Original Application No.420 of 2016 is closed.

Sd/ M.M.S.J

22.08.2016

//Certified to be a true copy//

Dated this the day of 2017

R.s/06.02.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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