

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

C.S.No.413 of 2014

and

O.A.No.517 of 2014

Mrs.Sushma Arunkumar

... Plaintiff

Versus

1.Mrs.Santha Krishnan

2.Mr.K.Suresh

(First defendant Mrs.Santha Krishnan is  
appointed as guardian ad litem for second  
defendant as per order dated 22.01.2016.)

3.Mrs.Sumathi Sivakumar

... Defendants

Plaint filed under Order IV Rule 1 of OS Rules read with Order VII Rule 1 of CPC praying to pass a preliminary decree declaring that the plaintiff is entitled to  $\frac{1}{4}$  share in the suit scheduled described properties; to appoint an advocate commissioner to divide the suit schedule decribed property by metes and bounds and allot  $\frac{1}{4}$  share of the same to the plaintiff, and put the plaintiff in separate possession of her share; for the cost of the suit and for such other relief.

For Plaintiff : Mr.T.Dharmarajan

For Defendants : Mr.K.Ramu

**JUDGMENT**

The respective learned counsel appearing for the parties would submit that a joint memo of compromise came to be effected between them in Diary No.4638 of 2016 dated 08.02.2016 and pray for passing of final decree in terms of the joint memo of compromise. The power of attorney of the plaintiff is present, so also defendants 1 and 3 and all of them would state that having understood the contents of the joint memo of compromise, they have subscribed their respective signatures.

2. This Court has also satisfied that the parties on their own volition have entered into the memorandum of compromise and given a quietus to the litigation and therefore, the joint memo of compromise dated 08.02.2016, in Diary No.4638 of 2016 is taken up on file and recorded. It is relevant to extract the terms of the memo of compromise:

*“1.That the first defendant will be the guardian of person and properties allotted hereunder in favour of the second defendant, during her lifetime and after the lifetime of the first defendant. The third defendant, sister of second defendant and daughter of first defendant will be the guardian of person and properties of the second defendant.*

*2. The properties allotted to the second defendant under this compromise decree shall be used exclusively for the benefit of the second defendant for his maintenance in all respects, including his food, clothing, shelter and medical expenses.*

*3. The properties allotted to the second defendant shall not be alienated in any manner whatsoever, except with the prior permission of this Hon'ble Court.*

*4. After the lifetime of the second defendant, the properties if any held at the time of his death, shall be taken in two equal half shares by the plaintiff and third defendant or their respective legal heirs.*

*5. The first defendant gives up all her shares, right, interest and claims in all the suit properties.*

*6. The second defendant is allotted absolutely suit schedule "B" described property along with Item Nos. 4 and 5 of suit Schedule "C" described properties totaling both measuring an extent of 59 ½ cents of land.*

*7. The plaintiff is allotted absolutely, suit schedule "A" described property and Item No. 1 of suit "C" schedule described property.*

*8. The third defendant is absolutely allotted Item Nos.2 and 3 of suit "C" schedule described properties totally admeasuring an extent of 59.4 cents of land.*

*9. The parties pray that this Hon'ble Court may be pleased to record the above said compromise and pass a final decree for partition, in terms of this memo of compromise and pass such other suitable orders and render justice."*

3. In the result, the suit is decreed in terms of the joint memo of compromise dated 08.02.2016. The joint memo of compromise shall form part of the decree. Consequently, the connected miscellaneous application is closed. No costs.

10.02.2016

Index : Yes/No  
Internet : Yes/No  
vsm

M.SATHYANARAYANAN, J.

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