

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.321 of 2017
& O.A.No.456 of 2017

Mr.P.K.Sreenivasan

... Plaintiff

Vs

Mrs. Shobha Sreenivasan

... Defendant

This plaint has been filed under Order 14 Rule 8 of O.S.Rules read with Order XXXIX Rule 1 of C.P.C. To pass a judgment and decree,

a) A preliminary decree declaring that the each of the Plaintiff is entitled to 1/2 share in the Suit schedule of Properties,

b) To pass a final decree on application in terms of the preliminary decree and to appoint an Advocate Commissioner to suggest suitable and equitable partition of the property by meets and bounds, and to pass a final decree directing partition of the Plaintiff's 1/2 share in the suit property and to allot 1/2 to each of them.

For Plaintiff : Mr.R.Swaminathan

For Defendants : Mr.M.Ravindran

JUDGMENT

It is represented by the learned counsel for the Plaintiff as well as the learned counsel for the defendant that the dispute between the parties, who are husband and wife, has been amicably settled and they have filed a Joint Memo of Compromise. Both parties are present before this Court along with their counsel. A joint compromise memo dated 03.04.2017 signed by the parties as well as the counsel, is filed to that effect, which reads as follows:

- "1. the Defendant has rejoined her husband and they live together since 6th of February, 2017, in suit Schedule - I property;*
- 2. The Defendant has no claim in suit Schedule - I property as the purchase of the land and construction were made by the Plaintiff absolutely of his own resources, and efforts, the defendant will also confirm his right, title and interest by a registered document to remove any semblance of doubt, if need be;*
- 3. It is agreed between the parties that the suit items II & III are to be retained in common by the parties as they were acquired in their joint name;*
- 4. the above compromise may kindly be recorded and the suit may be dismissed in terms of this settlement, directing the return of the Court fee paid on the Plaint;*
- 5. The Hon'ble court may kindly be pleased to pass appropriate orders in this regard and thus render justice."*

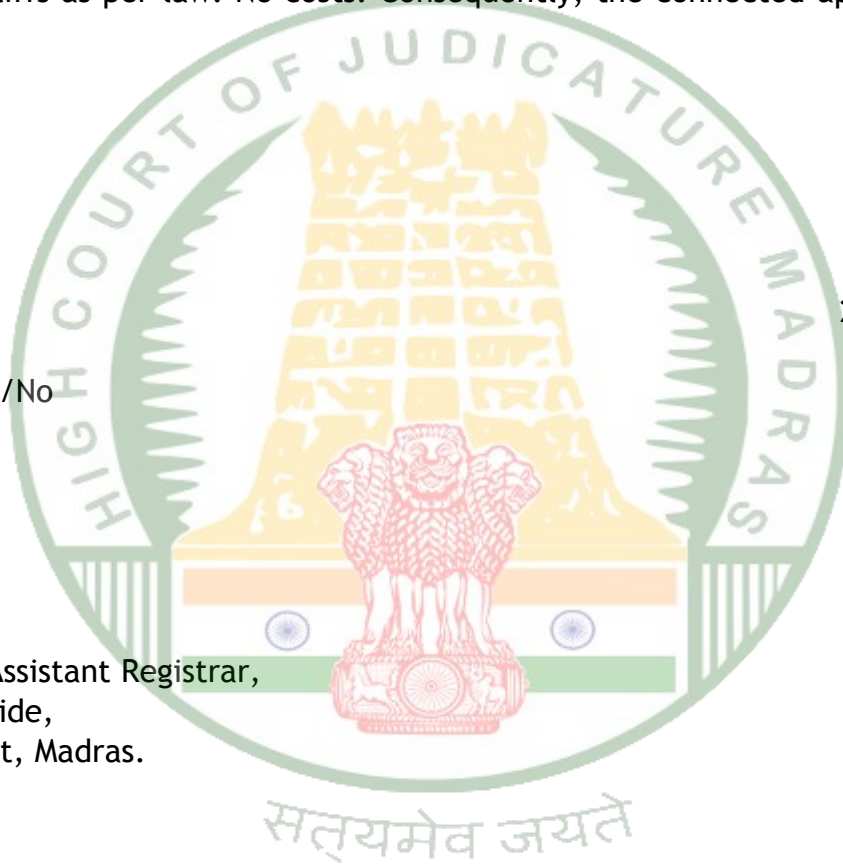
2. In view of the above, the civil suit is decreed in terms of the joint memo of compromise and the joint memo of compromise dated 03.04.2017 shall form part of the decree. Registry is directed to refund the court fee to the plaintiffs as per law. No costs. Consequently, the connected application is closed.

27.04.2017

Index:Yes/No
kp/dh

To

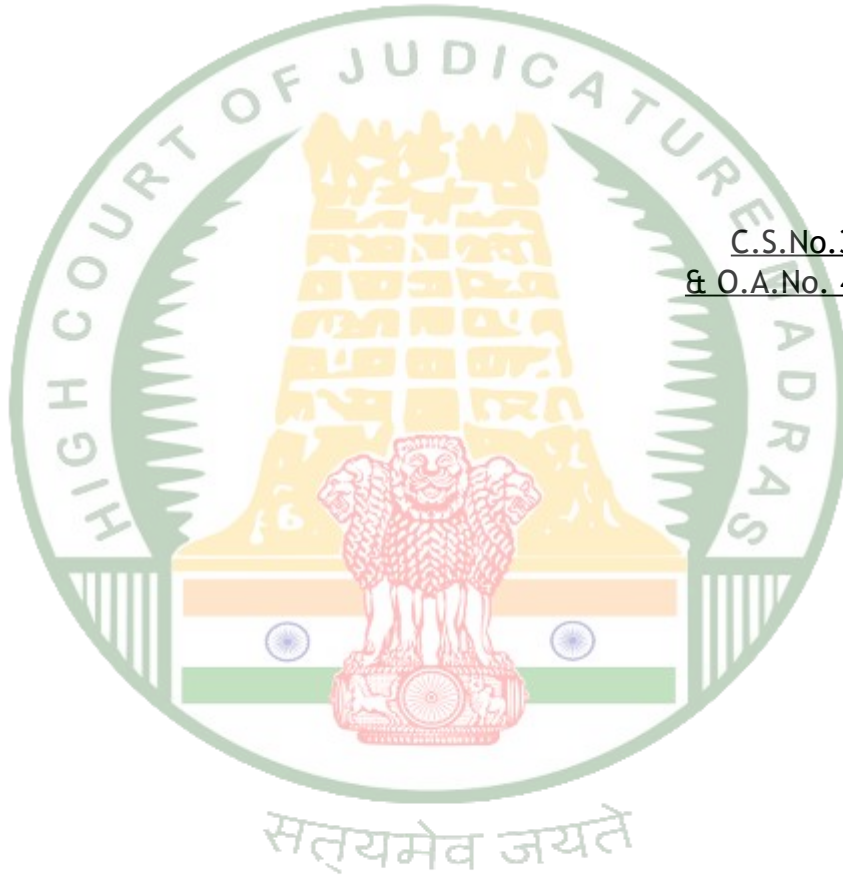
The Sub Assistant Registrar,
Original Side,
High Court, Madras.



WEB COPY

K.KALYANASUNDARAM, J.,

kp/dh



C.S.No.321 of 2017
& O.A.No. 456 of 2017

WEB COPY

27.04.2017