

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.52 of 2017
& O.A.No.103 of 2017

M.Rajesh

... Plaintiff

Vs

1. K.Chandrammal
2. K.Anbalagan
3. K.Murugesan
4. K.Tamilarasan

... Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules r/w Order VII Rule 1 of the Civil Procedure Code, praying for judgment and decree as follows:

- a) for partition of the suit schedule properties in to 5 equal shares by metes and bounds and for separate possession of the plaintiff's 1/5th share in the suit property.
- b) granting an order permanent injunction restraining the defendants their men, agents and servants from in any manner interfering with the plaintiff's peaceful possession and enjoyment of their 1/5th share in the suit property and from putting up any construction over the same.
- c) granting an order of permanent injunction restraining the defendants from in any manner alienating or creating encumbrances over the plaintiff's 1/5th share in the suit property.
- d) to pay cost of the suit.

For Plaintiff : Ms.N.Rabiya
For Defendants 2 to 4 : Mr.S.Balasubramanian

JUDGMENT

The learned counsel for the plaintiff as well as the learned counsel for the defendant, have submitted that the dispute has been amicably settled between the parties in the Tamil Nadu Mediation and Conciliation Centre. The Mediation Centre has produced the Mediation Report dated 01.03.2017, enclosing the memo of compromise dated 10.02.2017.

2. It is further represented that the first defendant died during the pendency of the suit and the defendants 2 to 4, the legal heirs of the first defendant are already in the suit and the learned counsel for the first defendant has filed a memo on 18.02.2017 to that effect. The said memo is recorded.

3. The learned counsel for the plaintiff has submitted that both parties are present and the said matter was amicably settled before the Tamil Nadu Mediation and Conciliation Centre and the suit may be decreed in terms of the memo of compromise entered into between them.

4. In view of the above, the civil suit is decreed in terms of the memo of compromise and the memo of compromise dated 10.02.2017, shall form part of the decree. Registry is directed to refund the court fee to the plaintiff as per law. No costs. Consequently, the connected application is closed.

10.03.2017

Index: Yes/ No
Internet:Yes/No
pvs

To

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

K.KALYANASUNDARAM, J.,

pvs

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