

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.476 of 2014

and

OA.Nos.588/2014 & 129/2015 & A.No.2670/2016

S.Sridevi

.. Plaintiff

Vs.

1.V.Senthil Velan

2.K.V.Suresh

.. Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules r/w
Order XXIV of OS Rules r/w. Under Order VII Rule 1 CPC.

For Plaintiff : Mr.M.Muthappan

For Defendant No.1 : Mr.V.Raghavachari

For Defendant No.2 : Mr.P.S.Ramesh

JUDGMENT

The suit is laid for the following reliefs:

to pass a judgment and decree in favour of plaintiff.

(i) pass a preliminary decree declaring that the plaintiff is
entitled to 1/3rd share in the suit properties'

(ii) pass a final decree in terms of the preliminary decree and

appointed an advocate commissioner to divide the property by metes and bounds and allot 1/3rd share in the suit properties to the plaintiff and

(iii) for costs of the suit.

2. Learned counsel for plaintiff and learned counsel for defendants would submit that the dispute between the parties have been amicably settled. The plaintiff and second defendant are present along with their counsel. It is represented that the first defendant is in Hosur and he is suffering from some ailments. Therefore, he is not present before this court. They have placed reliance upon the memorandum of compromise dated 06.04.2017 duly signed by the parties and attested by their counsel. It is further submitted by the learned counsel for both sides that the suit may be decreed in terms of the said joint memorandum of compromise. The terms and conditions of the said joint memorandum of compromise read as under:

a) The “A” schedule property shall be sold and the sale proceeds have to be equally divided among them.

b) The “B” schedule property was already sold and the sale

proceeds were divided equally by the parties.

c) The “C” schedule property shall be physically divided into three by engaging a qualified and approved surveyor and each party shall take a definite share.

d) Similarly, the Bank deposits and Insurance amounts morefully described as “D” schedule shall be divided equally and parties shall take 1/3 share each.

3. Accordingly, the suit stands decreed in terms of the joint memorandum of compromise dated 06.04.2017 and the joint memorandum of compromise shall form part of the decree. No costs. Consequently, connected applications are closed.

19.04.2017

gv

सत्यमेव जयते

WEB COPY

K.KALYANASUNDARAM, J.

To

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



C.S.No.476 of 2014
and
OA.Nos.588/2014 &
129/2015 & A.No.2670/2016

19.04.2017

WEB COPY