

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.11.2017

Coram :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH**C.S.No.579 of 2014**
& O.A.Nos.713 and 714 of 2014

Mrs.R.S.Sumathe,
W/o.Mr.Sarath Chandran,
No.6B, Second Street,
Ganapathy Colony,
Gopalapuram,
Chennai 600 014

... Plaintiff

-VS-

1. Mrs.S.R.Gandhimathi Ammal Ammal,
W/o.Late S.Ramachandra Nadar,
No.19, Nainar Nadar Road,
Mylapore,
Chennai 600 004.
2. Mr.Muthukumar
S/o.M.Krishnan,
No.19, Ground Floor,
Nainar Nadar Road,
Mylapore,
Chennai 600 004.
3. Mr. Nagarajan,
S/o.M.Krishnan,
No.19, First Floor,
Nainar Nadar road,
Mylapore,
Chennai 600 004.
4. Mr. Arun
S/o.M.Krishnan,
No.19, First Floor,
Nainar Nadar Road,
Mylapore,
Chennai 600 004.

5. Mr. Parthiban,
S/o.M.Krishnan,
No.19, Ground Floor,
Nainar Nadar Road,
Mylapore,
Chennai 600 004.

6. Mr. Dinesh,
S/o.M.Krishnan,
No.19, First Floor,
Nainar Nadar Road,
Mylapore,
Chennai 600 004.

... Defendants

Plaint filed under Order VII, Rule 1 of CPC, read with Order IV, Rule 1 of O.S.Rules praying for

(a) partition of the properties described in the schedule hereunder and allot ½ share to the plaintiff;

(b) to direct the defendant to render a true and proper account of all the income earned from the suit properties after defraying lawful expenses being incurred in connection with maintenance of the properties;

(c) to direct the defendant to pay the costs of the suit;

For Plaintiff : Mr.V. Chandrasekaran

For Defendants : Mr. T. Velumani

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JUDGMENT

The suit was decreed in the light of a Memorandum of Compromise executed as between the plaintiff and defendants and their respective counsel dated 19.6.2017.

2. Pursuant to the decree, the Registry appears to have found that the original plaint was missing in the file and as such, has put up a note praying for a direction to reconstruct the file. In the light of the aforesaid, the decree dated 19.06.2017 is recalled.

3. A direction was issued on 16.11.2017 permitting reconstruction of file. The same has been duly reconstructed and the learned counsel for the plaintiff has filed a plaint duly signed by the plaintiff as well as its counsel, certifying the same to be a true copy of the plaint originally filed.

4. The suit is decreed in terms of memorandum of compromise dated 19.06.2017 that forms part and parcel of the decree. Parties are left to bear their own costs. Consequently, connected applications O.A.Nos.713 and 714 of 2014 are closed.

सत्यमेव जयते

20.11.2017

Speaking Order/Non-Speaking Order

Index : Yes/No

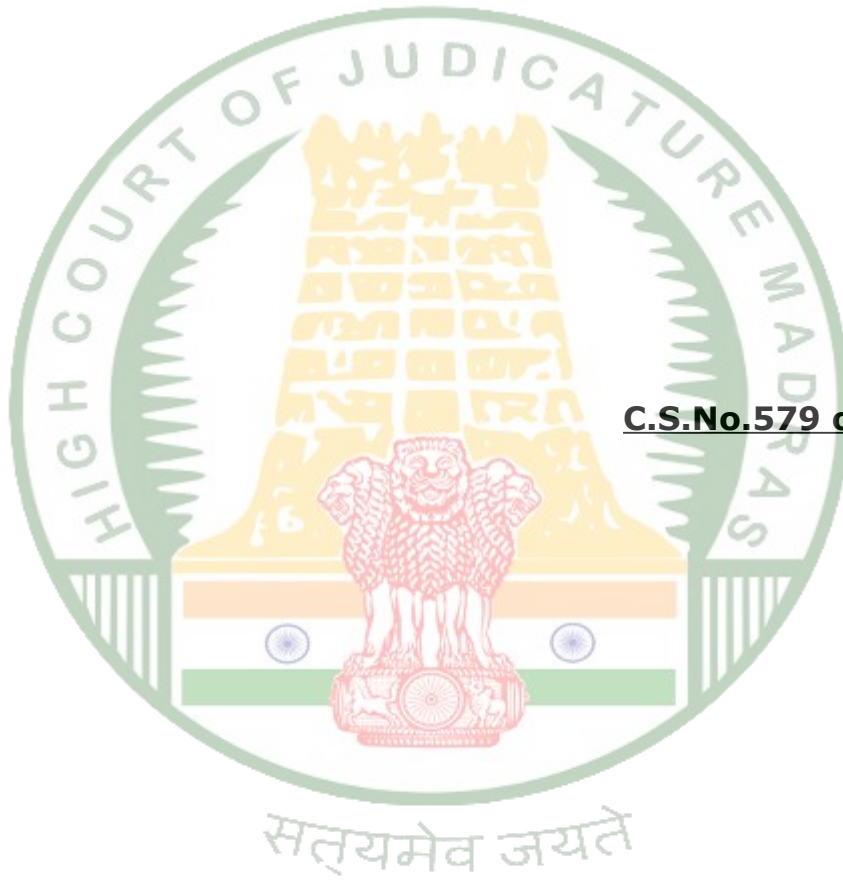
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Note : Issue copy on 23.11.2017

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DR. ANITA SUMANTH, J.

msr/msv



C.S.No.579 of 2014

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20.11.2017