

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2017

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.1067 of 2007

1.Sheba Ravikumar ... Plaintiff

Versus

1.Sujatha Moses
2.Dr.C.R.Anand Moses ... Defendants

Plaint filed under Order IV Rule 1 of Original Side Rules r/w Order VII Rule 1 of C.P.C. praying (a) partition and separate possession of the plaintiff's share in the suit 'A' Schedule property as per the last Will and Testament of Dr.Sam G.P.Moses, viz. the registered Will dated 14.03.2000 or alternatively, for her half share in the suit 'A' Schedule property. (b) for partition and separate possession of the plaintiff's half share in the suit 'B' Schedule property. (c) for accounting of future profits from the suit 'A' and 'B' schedule properties from the date of plaint till delivery of possession.

For Plaintiffs : Mrs.C.Jayachithra
For Defendants : Mr.T.Sathiyamoorthy

JUDGMENT

TOS.No.4 of 2005 is with respect to the last Will and Testament

<http://www.judis.nic.in> and Codicil of Dr.Sam G.P.Moses. Originally, O.P.No.574 of 2004 was

filed seeking probate of the Will of Dr.Sam G.P. Moses. The Petitioner

is his son. There are two respondents. One of whom is his wife and the other is his daughter. The wife remained ex-parte. On Caveat filed by the daughter, O.P.574/2004 was converted into T.O.S.No.No.4 of 2005. There was also simultaneously a partition suit filed by the daughter, seeking partition and separate possession. It appears that very fortunately and very satisfactorily, the parties have reached an understanding among themselves. Consequently, two memos have been filed today. First memo had been filed in CS.107/2017, which is the suit filed for partition. In the memo, it had been stated by the plaintiff that she is withdrawing the suit and she has no further claims. The memo is recorded. The learned Counsel for the plaintiff has also made necessary endorsement in the plaint.

2. In view of the same, the suit in C.S.No.1067 of 2007 is dismissed as settled out of court. No costs.

3. The second memo was filed by the caveator on whose instance the original petition was converted into T.O.S.No.04 of 2005. In the second memo, it had been stated that the caveat filed by her is withdrawn and there is no objection for grant of probate of the Will dated 20.07.2004 and Codicil dated 11.09.2004 executed by her father Dr.Sam G.P. Moses. The memo is recorded. No Costs.

C.V.KARTHIKEYAN, J.,

srn



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