

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2017

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.532 of 2016

M.Jayachandra Reddy ... Plaintiff

Versus

M.Chandrasekara Reddy ... Defendant

Plaint filed under Order VII Rule 1 of C.P.C. R/W order IX Rule 1 of the Original Side Rules praying for partition by metes and bounds of the suit properties and allotment of half share to the plaintiff and separate possession thereof and for costs of the suit.

For Plaintiff : Mr.K.Bijai Sundar

For Defendant : Mr.V.Subba Rao

JUDGMENT

This suit has been filed by the plaintiff for partition and separate possession of the three items of suit properties.

2. The plaintiff and the defendant are brothers. At the time of instituting the suit on 29.7.2016, the plaintiff was aged

about 90 years and the defendant, who is the younger brother was aged about 88 years. Originally, the suit properties belonged to their Sister M.Sasirekha Ammal, and she died on 08.06.2014 and her husband, V.Balarama Reddy predeceased her on 27.03.1972, and they had no issues. Another brother by name M.Lakshymipathy Reddy, also passed away on 11.09.2007 and his wife N.Rama Bai passed away earlier to him on 18.11.1997, and they had also no issues. Consequently, the plaintiff and the defendant are entitled to undivided half share in the suit properties. Accordingly, the suit has been instituted before this Court.

3. The learned counsel for the plaintiff state that, there was amicable settlement and pursuant to such amicable settlement, a joint memo of compromise signed by both the parties, namely, the plaintiff M.Jayachandra Reddy and defendant M.Chandrasekara Reddy and also their Counsel, dated 13.04.2017 has been presented in the Court. Both the parties, namely plaintiff M.Jayachandra Reddy and defendant M.Chandrasekara Reddy are present in the Court, and they are aged 92 years and 88 years as on date. They have been enquired, and they have agreed mutually to enter into compromise. Along with the compromise memo, a sketch is also enclosed. In the

compromise memo, in respect of Item No.1 and Item No.2, the division of the properties has been marked in red and green colour. According to the terms of compromise memo properties shall divided and also allotted to the parties. In view of the fact that the parties have entered into a compromise and also presented the compromise memo, in the Court, the suit is decreed in accordance with the compromise memo. The Final decree shall be passed in accordance with the compromise memo. The compromise memo shall form is part and parcel of the final decree. No costs.

01.09.2017

Speaking / Non-speaking Order

Index : Yes/No

av

Note:-

The Registry is directed to issue and communicate a copy of the decree to the Sub-Registrar Office T.Nagar.

C.V.KARTHIKEYAN, J.

av



C.S.No.532 of 2016

01.09.2017

WEB COPY