

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2018

Coram

THE HON'BLE MR.JUSTICE M.VENUGOPAL
&
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

O.S.A.No.432 of 2011
and C.M.P.Nos.10507 to 10509 of 2018
and M.P.No.1 of 2011

K.C.Radhakrishnan ... Appellant/1st Defendants in C.S
Vs.

1.Urmila Divakaran (Deceased)

2.Mr.Dinesh Divakaran Respondents/Plaintiffs

3.Mrs.Vasantha Ravindran (Deceased)

4.Mrs.Radha

5.Mr.Vivek Ravindran ... Respondents/Defendants 2 to 4

Appeal filed under Order XXXVI Rule 1 of O.S.Rules r/w
Clause 15 of the Letters Patent against the judgment and decree
passed by this Court in C.S.No.276 of 2009 dated 18.08.2011.

Prayer in C.S.NO.276/2009:

Civil Suit filed under order VII Rule 1 of C.P.C read with
order IV Rule 1 praying to pass preliminary decree for partition
and separate possession of plaintiffs 1/3th share in the suit
schedule property; that to pass a final decree by appointing a
Advocate commissioner to divide the suit property by meet and
bounds as per the preliminary decree; that to allot plaintiffs
1/3rd share so divided and put the plaintiff into possession of
the same through court; that to determine the future mesne
profit under order XX Rule 12 of C.P.C. and that to award the
cost of the suit.

For Appellant : Mr.S.Vijayakumar

For Respondents : Mr.T.V.Vineeth Kumar for R2

JUDGMENT

(Judgment of the Court was made by M.VENUGOPAL, J.)

The learned counsel for the appellant has made an endorsement in the present Original Side Appeal to the effect that "in terms of the proceedings initiated in O.P.No.905 of 2017, this appeal as well as applications have become infructuous".

2. Recording the aforesaid fact and the endorsement so made, the present O.S.A.No.432 of 2011 is dismissed as infructuous one. Likewise, C.M.P.Nos.10507 to 10509 of 2018 and M.P.No.1 of 2011 are also dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsm

to:

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

+1cc to Mr.T.V.Vineeth Kumar, Advocate sr.no.40749
+1cc to M/s.G.Chandrasekar, Advocate sr.no.40337

सत्यमेव जयते

O.S.A.No.432 of 2011

skv(co)
nr 05/07/2018

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