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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2018

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THE HON'BLE DR. JUSTICE ANITA SUMANTH

C.S.No. 21 of 2007
TR. C.S.No. 522 of 2018
A. No. 2728 of 2018, A.No.6230 of 2016
and O.A.No.726 of 2018

C.S.No.21 of 2007:

R.Saravanan

..Plaintiff

Vs.

1. Mrs. Devaki

2. Mr. R.Kannan

..Defendants

Tr.C.S.No.522 of 2018:

N.Vigneshmani

..Plaintiff

Vs.

1. R.Saravanan

2. S.Shanmugapriya

3. R.Kannan

..Defendants

PRAYER:

C.S.NO.21 OF 2007: Plaint filed under Order IV Rule 1 of the Original

Side Rules read with Order VII Rule 1 of the Code of Civil Procedure for a



plaintiff's 1/3 share in the properties mentioned in Schedule A & B to the
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plaint, for a permanent injunction restraining the defendants or their men,
agents, servants, person or persons acting through or under them from any
manner interfering with the business activities of the plaintiff at Shop
No.D-42, Periyar Vegetable Market, Koyambedu, Chennai, and for a
permanent injunction restraining the defendants or their men, agents,
servants, person or person acting through or under them from alienating or
creating any encumbrance in the properties morefully mentioned in
schedule A & B of the plaint.

Tr.C.S.No.522 of 2018:

Plaint filed under Order VII Rule 1 of C.P.C. for permanent
injunction restraining the defendants, their men, servants or their agents or
any other person acting on their behalf from interfering and disturbing the
peaceful possession and enjoyment of the tenanted premised situated at
D42, Periyar Kaikari Angadi, Koyambedu Wholesale market Complex,
Chennai 600 092 and more fully described in the schedule hereunder.

For Plaintiff in C.S.No.21 of 2007

& Defendants in Tr.C.S.No.522 of 2018 : Mr.S.Sivashanmugam

For Defendants in C.S.No.21 of 2007 : Mr.C.Rajan



For Plaintiff in Tr.C.S.No.522 of 2018 : Mr.S.Jeevanantham

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COMMON JUDGMENT

Both learned counsel jointly filed a memorandum of compromise dated 30.08.2018 duly executed by the parties as well as their respective counsels and state that the same may be recorded.

2. Recording the memorandum of compromise dated 30.08.2018, the Civil Suit is decreed in terms of memorandum of compromise, which shall form part and parcel of this judgment.

3. Para 3(g) of the memo of compromise refers to Original Suit No. 2511 of 2018, initially filed before the XI Asst. City Civil Court, Chennai, and now transferred to this Court as Tr.C.S. No. 522 of 2018. The matter is listed today along with C.S.No.21 of 2007.

4. As the parties have arrived at a settlement, they agree that the Transfer Suit has become infructuous and may be withdrawn. Learned counsel for the plaintiff has made an endorsement to that effect.

5. Recording the same, Tr.C.S.No.522 of 2018 is dismissed as withdrawn. No costs. All the connected Miscellaneous Applications are closed.

6. The Registry is directed to engross the final decree dated



23.11.2015 made in C.S.No.21 of 2007 upon non-judicial stamp paper of a value of Rs.25,000/-.

Sd/-A.S.M.J.
03.09.2018

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 23rd DAY OF NOVEMBER 2015

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

Application No.583 of 2013
in C.S.No. 21 of 2007

C.S.No. 21 of 2007:-

R.Saravanan,
S/o Late Ranganathan,
No.74,II Main Road,
Kumaran Nagar,
G1, Sai Kumaran Apartments,
Koyambedu,
Chennai -92

...Applicant/Plaintiff

Vs

1) Mrs.Devaki,
W/o Late Ranganathan,
46, Nyniappa Naickan Street,
Chintadripet,
Chennai-600 002.

2) Mr.R.Kannan,
S/o Late Ranganathan,
48,Nyniappa Naickan Street,
Chintadripet,
Chennai-600 002.

...Respondents/Defendants

Application praying that this Hon'ble Court be pleased to Appoint an Advocate Commissioner to divide the properties as per the preliminary decree passed on 03/07/2009 in the above suit.

This application coming on this day before this Court for hearing, the



Court made the following order:-

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This is an application for appointment of an Advocate Commissioner to divide the properties in accordance with the preliminary decree dated 3rd July 2009 and pass final decree in terms of the report.

2. The applicant filed a suit in C.S.No.21 of 2007 for partition of the suit property and separate allotment of his share. The suit was decreed by this Court by Judgment and decree dated 3rd July, 2009 in C.S.no.21 of 2007. The applicant was allotted 1/3 share in Plaint A and B Schedule. The preliminary decree has become final.

3. Thereafter, the applicant filed this interlocutory Application for passing final decree.

4. This Court appointed an Advocate Commissioner to divide the property by metes and bounds in accordance with the preliminary decree with notice to the parties. The properties were partitioned among the parties. The report submitted by the advocate commissioner dated 28th September 2015 shows the details of the partition made by him.

5. The applicant and the respondents have not filed objection to the



report submitted by the advocate commissioner.

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6. The report filed by the advocate commissioner and the plan and valuation shows that the properties were partitioned among the parties in an equitable manner. I am therefore of the view that a final decree should be passed in terms of the report submitted by the advocate Commissioner. The report, plan and valuation submitted by the advocate commissioner shall form part of the decree.

7. Accordingly final decree is passed.

8. In the upshot I allow the application.

Sd/-K.K.S.J.

23.11.2015

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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