

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.651 of 2012

1. Mrs.Prema Kumari
2. L.Anand
3. Ms.L.Manjula
4. Mr.L.Jayakanth

... Plaintiffs

Versus

1. K.C.Linganathan
2. K.C.Chandrasekar
3. K.C.Sivashankar
4. Ms.G.Sarala
5. Ms.R.Lakshmi
6. K.C.Sivakumar
7. K.C.Ramesh
8. Karunakaran
9. Ms.J.Mahalakshmi
10. Ms.V.Vijayalakshmi
11. K.Gunasekaran

... Defendants

Plaint filed under Order VII Rule 1 of C.P.C. read with Order IV Rule 1 of Original Side Rules, praying to pass a judgment and decree:-

- i. To partition the Schedule A mentioned Property by Metes and Bounds and hand over separate possession of the plaintiffs 3/4<sup>th</sup> share therein.
- ii. To partition the Schedule B mentioned properties by Metes and Bounds and hand over separate possession of the plaintiffs 1/4<sup>th</sup>

share therein.

- iii. Appoint an Advocate Commissioner to divide the Suit Schedule Property having metes and bounds and put the plaintiffs in possession of their respective shares in the Schedule A and Schedule B mentioned properties.
- iv. Directing the Advocate Commissioner to be appointed by this Court to ascertain the mesne profits from the schedule B mentioned property and direct the defendants to pay the plaintiffs their respective 1/4<sup>th</sup> share until the Plaintiffs 1/4<sup>th</sup> shares are delivered to them.
- v. Directing the defendants to pay the cost of this Suit.

For Plaintiffs : Mr.K.V.Ananthakrushnan  
For Defendants : Mr.S.B.Vijai

### JUDGMENT

The suit is one for partition of the suit properties. The parties have filed a Compromise Memo, which sets out the terms of the compromise. The parties have also affirmed the fact that they have entered into a memo of compromise. According to the said compromise, the properties shown in Schedule A is allotted to plaintiffs 1 to 4 and the properties shown in schedule B as item 1 and 2 are allotted to the defendants 1 to 7.

2. In view of the above, the suit is decreed in terms of the compromise. The Compromise Memo shall form part of the decree. The parties are directed to bear their own costs.

12.03.2018

jv

Index : No  
Internet : Yes  
Speaking Order

**List of the witnesses examined on the side of the plaintiffs:**

P.W.1 Prem Kumari

**List of Exhibits marked on the side of the plaintiffs:**

| <b><i>Sl. No.</i></b> | <b><i>Exhibits</i></b> | <b><i>Description of Documents</i></b>                                                |
|-----------------------|------------------------|---------------------------------------------------------------------------------------|
| 1                     | Ex.P1                  | Partition cum settlement deed dated 11.08.1924 registered document as No.1416 of 1924 |
| 2                     | Ex.P2                  | Sale Deed and document No.1885 of 1935 dated 10.07.1935 (certified copy)              |
| 3                     | Ex.P3                  | Sale Deed registered as document No.1400 of 1935 dated 26.04.1988                     |
| 4                     | Ex.P4                  | Death Certificate of Mr.R.Loganathan dated 30.08.1998                                 |
| 5                     | Ex.P5                  | Death Certificate of Mrs.Rajambal dated 11.11.1990                                    |
| 6                     | Ex.P6                  | Collector Proceedings dated 14.07.1998                                                |
| 7                     | Ex.P7                  | Special Commissioner proceedings dated 22.10.2001                                     |
| 8                     | Ex.P8                  | Restoration letter by Tahsildar dated 05.11.2003                                      |
| 9                     | Ex.P9                  | EC for the period of 1935 to 2012                                                     |
| 10                    | Ex.P10                 | Patta No.1442 of 2009-2010                                                            |
| 11                    | Ex.P11                 | Patta reference by Tahsildar dated 24.11.2011                                         |

| <b>Sl. No.</b> | <b>Exhibits</b> | <b>Description of Documents</b>                                                                                                            |
|----------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 12             | Ex.P12          | Patta reference by Tahsildar dated 23.02.2002                                                                                              |
| 13             | Ex.P13          | Plaintiff's legal notice dated 19.03.2012                                                                                                  |
| 14             | Ex.P14          | Reply notice by defendant dated 09.04.2012 (All documents are original except Ex.P1 & P2 – Defendant counsel for 1 to 7 verified the same) |
| 15             | Ex.P15          | Computer generated copy of Death Certificate of Mr.K.Chellappan dated 05.10.2009                                                           |
| 16             | Ex.P16          | Photo copy of Legal heirship certificate of T.Loganathan dated 13.09.1988                                                                  |

List of the witnesses examined on the side of the defendants: Nil

List of Exhibits marked on the side of the defendants: Nil

12.03.2018

jv

To

The Sub Assistant Registrar  
Original Side  
High Court,  
Chennai 600 104.

WEB COPY

**R.SUBRAMANIAN, J.**

jv



**C.S.No.651 of 2012**

**WEB COPY**

**12.03.2018**