

IN HIGH COURT OF JUDICATURE AT MADRAS

DATED : 7.11.2014

CORAM :

THE HONOURABLE Mr.JUSTICE G.M. AKBAR ALI

C.S.No.520 of 2003

1. Dr.B. Anandarangam (deceased)
2. Rajalakshmi Anandharangam
3. Dr. Thiruvankadam B. Anandharangam
4. Dr.Govindarajan B. Anandharangam
5. Dr. Bala Subramaniam B. Anandharangam
6. Th. Venkatesan B. Anandharangam

(plaintiffs 2 to 6 are brought on record as
legal heirs of the deceased plaintiff as per
order dated 24.1.2013 in Appln.No.4014/12)
... Plaintiffs

vs

1. Group Captain P.B.Harikrishnan,
- 2.P.B. Vipranarayanan
- 3.P.B. Poopiratti
- 4.P.B. Seethapiratti
- 5.S. Ranganayaki
- 6.V. Krishnan
- 7.V. Venkatesan
- 8.V.K. Sathyanarayanan
- 9.Tmt.Padmavathy

(Defendants 6 to 9 are LRs of
deceased daughter P.S. Suseela) ... Defendants

Suit filed for partition and rendition of accounts

For plaintiffs :Mr. S.M. Madhankumar

1st defendant :Ex-parte

Defendants 2 to 9 : Ex-parte

JUDGMENT

When the matter has been taken up today, the learned
counsel for the plaintiff is present and the defendants have
already been set ex-parte.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The suit is for partition, rendition of accounts

and also for an injunction.

3. The defendants were originally set ex-parte and an exparte decree was passed on 17.10.2006 by this court. Thereafter, the ex-parte order was set aside and the 1st defendant has filed the written statement, on which, the following issues were framed:

1. Whether the suit properties are joint family properties inherited from the father and mother of the parties herein?

2. Whether mother of the parties herein had any power to execute any testament touching the suit properties as she was not the absolute owner of the same?

3. Whether in any event the alleged Will dated 26.07.1995 executed by the mother of the parties herein is valid in law?

4. Whether the contesting first defendant can delay upon the unprobated alleged will dated 26.07.1995 alleged to have been executed by mother?

5. Whether there has been partition of movables during the lifetime of mother?

6. What is the share to be allotted in favour of plaintiff by passing

preliminary decree?

7. To what other reliefs the parties are entitled to?

8. Whether partition of plaint properties amongst parties have not taken place and given effect to by taking possession as early in 2002 by them?

4.The matter was posted before the learned Master for recording evidence. P.W.1 chief examination was over and posted for cross examination and was cross examined and there was no appearance for 1st defendant from 2013.

5.Again this matter was posted before this Court and this court passed an order setting the 1st defendant ex-parte on 24.9.2014. Therafter, the matter is posted today for passing final order.

6.Heard Mr. S.M. Madhankumar, learned counsel for the plaintiffs. The plaintiff was examined as P.W.1 and Exs.P.1 to P.11 were marked. The suit claim is proved.

7.In the result, the suit is decreed and a preliminary decree is passed as under:

i) the plaintiffs shall be entitled to 1/7th share of the immovable properties morefully setout in the

schedule hereunder,

ii) the defendants herein, be and are hereby directed to render accounts in respect of said Joint family properties,

iii) (1) Group Captain P.B. Harikrishnan, and P.B. Vipranarayanan, the defendants 1 and 2 herein, be and are hereby restrained by an order of injunction till the said Joint family properties are partitioned, from selling or encumbering otherwise.

and
iv) the defendants 1 and 2 herein do pay to the plaintiffs herein, the costs of this suit as and when taxed by the Taxing Officer of this court and noted in the margin thereof.

No costs.

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sd/.G.M.A.J

07.11.2014

//Certified to be a true copy//
Dated this the day of 2015.

R.s/19.03.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.