

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

O.S.A.No.31 of 2017

R.M.Ramesh Appellant/Defendant

-vs-

M.Saroja (died)

Appellant and R2 and R3 are recorded as
LRs of the deceased M.Saroja,
vide Court order dated 08.08.2017.

2.P.Kasturi

3.Latha Respondents/Plaintiff 2 & 4

Appeal filed against the Judgment and Decree in
C.S.No.898 of 2006 dated 30.01.2015 This civil suit Praying
this court pass Judgment and decree against to defendant (a)
for Partition and separate Possession of 2/5th share in so far
as the 1st Plaintiff is concerned and 1/5th share in so far as
the 2nd and 4th Plaintiff is are concerned in the suit property
(b) for costs of the suit.

For Appellant :Mr.Avinash
for Mr.V.Lakshmi Narayanan

For Respondents :Mr.C.P.Sivamohan (for R1 to R3)

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

The appeal has been filed by the appellant/defendant
aggrieved over the preliminary decree passed in the partition
suit filed by the respondents/plaintiffs. The mother, two
daughters and one son filed suit against the elder son viz.,
the appellant herein. The said suit was decreed and the
preliminary decree was passed.

2. When the matter is called before this Court today, Mr.V.Lakshmi Narayanan, learned counsel appearing for the appellant and Mr.Sivamohan, learned counsel appearing for the respondents would submit that the matter has been settled. They would further submit that Ms.Saroja/1st plaintiff and Mr.R.M.Suresh/3rd plaintiff (brother) passed way and therefore, only two persons viz., respondents 1 and 2 herein are prosecuting the case.

3. A joint compromise memo has been filed before this Court, signed by both the parties and counter signed by the respective counsels. The 1st respondent is present before this court. The 2nd respondent, who is residing at Singapore has given authorisation dated 10.11.2018, authorising the 1st respondent to sign the memorandum of agreement to be entered into between the parties in this appeal.

4. Following is the suit property:
"The house, ground and premises bearing Plot No.533-W in Indira Nagar, Chennai -20 comprised in Survey No.5 part, under South Madras Neighbourhood Scheme, measuring to an extent of 1 ground and 338 sq. ft. of Kalikundram Village, bounded on the
North by : Plot No.532-W
South by : 20 Feet Road
East by : 40 Feet Road and
West by : Plot No.534-W
situated within the Registration Sub District of Saidapet."

5. There is a house standing in the suit schedule property, in which the appellant is residing with his family. As per the memo of compromise, the brother viz., the appellant herein would get 1200 sq. ft. and the 1st and 2nd respondents each would equally get 769 sq. ft.

6. Since the brother is residing along with his family, the respondents agreed to relinquish their rights and title over the suit property for a consideration of Rs.1,00,00,000/- each to be paid by the appellant to the 1st and 2nd respondents, on or before 30.04.2019.

7. The 2nd respondent at present is residing in Singapore and she has got the original title deed of the property and she will be visiting Chennai, during first week of January, 2019. The respondents undertake to hand over the title deed to the appellant on or before 10.01.2019. The memo of compromise and the letter of authorisation of the 2nd respondent shall form part of the decree.

8. With the above terms, this Appeal is disposed of.

No costs.

9. To see that the title deed has been handed over to the appellant, call the matter on 11.01.2019.

Sd/-
Assistant Registrar (CS)
//True Copy//

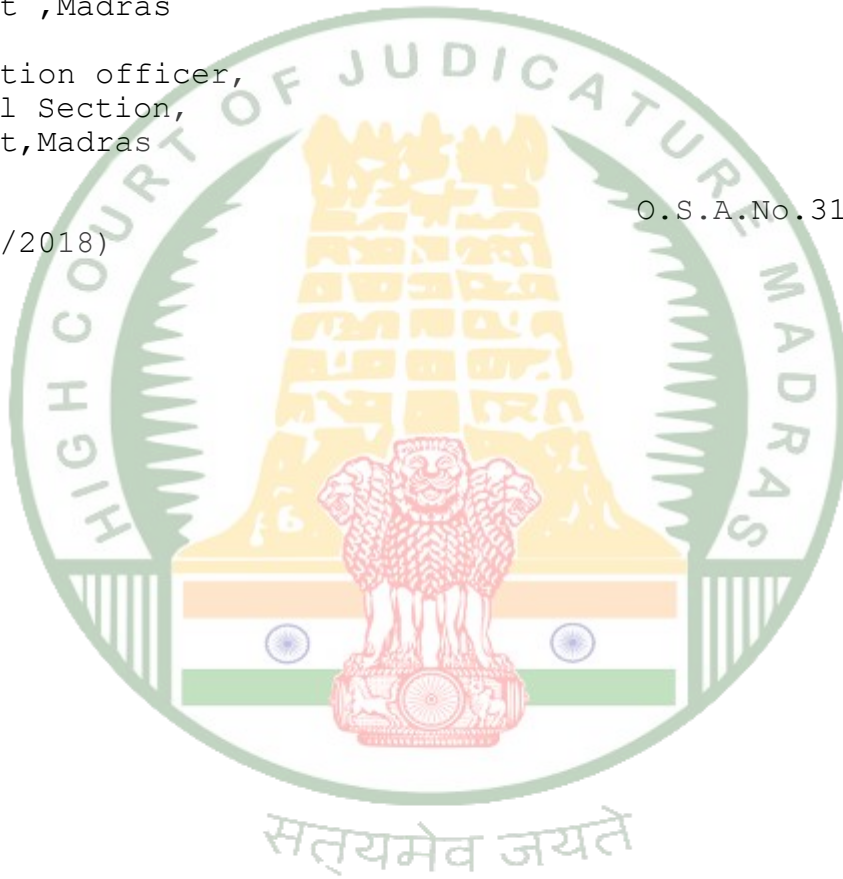
Sub Assistant Registrar

sai
To
The sub assistant registrar, (OS)
High court ,Madras

2.The section officer,
Judicial Section,
High court,Madras

ASK(18/12/2018)

O.S.A.No.31 of 2017



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