

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 04th DAY OF APRIL 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.570 of 2018
and
A. No.6450 of 2018

V.Nicholas,
S/o.S.Vanathanathan,
No.89/71, S.N.Chetty Street,
Royapuram, Chennai-600 013. Plaintiff/Applicant

-Versus-

1. Sri.V.Anandaraj,
S/o.S.Vanathanathan,
No.89/71, S.N.Chetty Street,
Royapuram, Chennai-600 013.
2. Smt.X.Mary Regina,
W/o.Sri.S.P.Xavier,
No.41, 2nd Street, Kasi Garden,
Royapuram, Chennai-600 013.
3. Smt.S.PrethiKantha,
W/o.M.Samidurai,
No.6, Azhagiripuram, 2nd Street,
Bharatheeswaran Colony,
Kodambakkam, Chennai-600 024.
4. Smt.J.Shanthi,
W/o.Jayaraj,
No.24, 1st Street, Kasi Garden,
Royapuram, Chennai-600 013. ... Defendants/Respondents

C.S. No.570 of 2018:-

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree against the defendants:-

a) for passing a preliminary decree for partition of

the suit A schedule properties into 5 equal shares and

allot 1/5th share to the plaintiff;

b) for passing a preliminary decree for partition of the suit B schedule properties into 2 equal shares and allot one such share to the plaintiff;

c) for future mesne profits in the suit properties described in item 1 of A schedule and item 1 of B schedule at the rate of Rs.2,50,000 per month towards the share of the plaintiff from the date of plaint till partition of the properties are effected;

d) granting mandatory injunction directing the 1st defendant to deposit the original documents of title and records in respect of the suit A and B schedule properties;

e) granting permanent injunction restraining the 1st defendant and his men, agents or any one claiming under him or on his behalf from conducting the functions and programmes in the suit item 1 of the A-schedule property;

g) granting permanent injunction restraining the 1st defendant, his men, agents or any one claiming under him or on his behalf from conducting the functions and programmes in the suit item 1 of the B-schedule property;

h) to pay the cost of the suit.

A. No.6450 of 2018:-

Application praying that this Hon'ble Court be pleased to pass a preliminary decree for partition allotting 1/5th share in respect of A schedule properties and 1/2 share in respect of B schedule properties in favour of the applicant/plaintiff on admission in the above suit.

This Civil Suit along with the application coming on this day before this court for hearing, the Court made the following order:-

(*) This application has been filed by the plaintiff seeking a preliminary decree on admission under Order XII Rule 6 of the Code of Civil Procedure.

2. Heard Mr.J.Hariharan, learned counsel appearing for the applicant, Mr.D.Ferdinand, learned counsel appearing for the 1st respondent, Mr.P.S.Rathinamani, learned counsel appearing for the 2nd respondent, Ms.R.Mahalakshmi, learned counsel appearing for the 3rd respondent and Mr.Sampath Kumar, learned counsel appearing for the 4th respondent.

3. All the counsels agree that there is no dispute regarding the shares and all the written statements filed admit the shares that the parties are entitled to. As per the pleadings, the plaintiff and the defendants would be entitled to 1/5th share in the suit schedule 'A' properties and the plaintiff and the 1st defendant alone would be entitled to ½ share each in the suit schedule 'B' properties.

4. In view of the above, the suit is decreed and the preliminary decree is passed

a) *declaring that the plaintiffs*

<https://hcservices.ecourts.gov.in/hcservices/>
and defendants 1 to 4 are entitled to

1/5th share in the suit 'A' schedule properties.

b) declaring that the plaintiff and the 1st defendant would be entitled to $\frac{1}{2}$ share each in the suit 'B' schedule properties.

No costs.

Sd./-R.S.M.J

04/04/2019

(*) Amended as per order dated 09/04/2019 made in A.No.6450 of 2018 in C.S.No.570 of 2018.

Sd/-11/04/2019

ASSISTANT REGISTRAR(O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

JJ 12/04/2019

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

WEB COPY