

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.03.2019

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.610 of 2014
in OA.Nos.290 of 2017 & 753 of 2014

S.Manimozhi

... Plaintiff

Vs

N.V.Yasotha

... Defendant

Prayer : Complaint filed under IV Rule 1 and 2 of the Original Side Rules read with Specific Relief Act read with Order VII Rule 1 of the Code of Civil Procedure, praying for the following judgment and decree:-

- (a) to declare that the plaintiff is the sole and absolute owner of the schedule mentioned properties which stand in the name of the defendant and consequential permanent injunction restraining the defendant and her agents/representatives or anybody claiming through her from in any manner alienating, encumbering, mortgaging or altering the schedule mentioned properties in any manner whatsoever and,
- (b) To declare that the Memorandum of Family Arrangement dated 22.05.2014 had executed on 09.06.2014 by the plaintiff and the defendant and Settlement Deed dated 09.06.2014 executed by the plaintiff in favour of the defendant for Item No.2 of "A" schedule

property and registered as Document No.1699/2014 at SRO., Mylapore as null and void.

- (c) To direct the defendant to render true and correct statement of account of the income derived from the schedule mentioned properties.
- (d) To determine future mesne profits under Order XX Rule 12 & 18 of CPC.
- (e) an order for costs of the suit.

For Plaintiff : Mr. K.P.Gopalakrishnan

For Defendant : Mr.K.Sukumaran

JUDGMENT

The suit in C.S.No.610 of 2014 has been filed by the plaintiff seeking declaration that he is the owner of the suit schedule mentioned properties and consequential permanent injunction restraining the defendant from alienating, encumbering, mortgaging or altering the suit schedule mentioned properties and also for declaration declaring that the memorandum of family arrangement dated 22.05.2014 is null and void.

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2. The defendant, who is the wife of the plaintiff, has also filed a counter claim in the said suit. A memorandum of compromise has been filed. A reading of the said memorandum of compromise, it is

seen that a settlement has been arrived at between the parties and they have executed settlement deeds in respect of the properties in favour of their sons reserving life estate in their favour and they pray that the suit may be decreed in terms of the compromise.

3. The parties are also present before this Court today and filed a joint memorandum of compromise dated 06.03.2019. The said joint memorandum of compromise is recorded.

4. The suit is decreed in terms of joint memorandum of compromise dated 06.03.2019 signed by the parties, filed before this Court. No costs.

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06.03.2019

Index: No
Internet: Yes
Speaking order

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R.SUBRAMANIAN,J.

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To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

**C.S.No.610 of 2014****WEB COPY****06.03.2019**