

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.691 of 2018 &  
O.A.No.948 of 2018

Mrs.Kanchana

... Plaintiff

Vs

1.K.Vasantha Kumar  
2.K.Ananda Kumar  
3.K.Gnanbmigai

... Defendants

Plaint filed under Order IV Rule1 of Original Side Rules read with under Order VII Rule 1 of CPC, praying for judgment and decree as follows:

- i) for a declaration, declaring that the release deed dated 11.09.2018 registered as Document No.5438 of 2018, before the Sub Registrar Office, Puraswalkam executed by third defendant in favour of the first and second defendants in the schedule property are sham and nominal and it will not bind the plaintiffs.
- ii) preliminary decree of partition and separate possession of plaintiff 1/3<sup>rd</sup> share in the suit property
- iii) For appointment of advocate commissioner to divide the suit property into three equal shares and to allot 1 share to the plaintiff by metes and bounds
- iv) For permanent injunction restraining the defendants their men, agents and servants or anyone claiming from or under them from in any manner alienate or transfer or encumber the entire their respective shares in undivided portion of the suit property to any third parties or prospective purchaser in the suit property

v) for costs of this suit.

For Plaintiff : Mr.R.Harinath

For Defendants : Mr.Sam Arther Jeba Kumar

### JUDGMENT

It is represented by the learned counsel for the plaintiff and the defendants that subsequent to the institution of the suit, a settlement deed has been made in favour of the plaintiff on 03.12.2018. It is further submitted that the dispute between the parties has been amicably settled out of Court and a compromise was also entered into between them and they have filed Joint Memo of Compromise. The plaintiff and defendants along with their respective counsels are present before this Court.

2. In view of the above submission, the Civil Suit is disposed of as settled out of Court and the Joint Memo of Compromise shall form part of the order. Registry is directed to refund the Court fee to the plaintiffs as per law. Consequently, connected application is closed. No costs.

09.01.2019

Index :Yes / No.

Internet : Yes / No.

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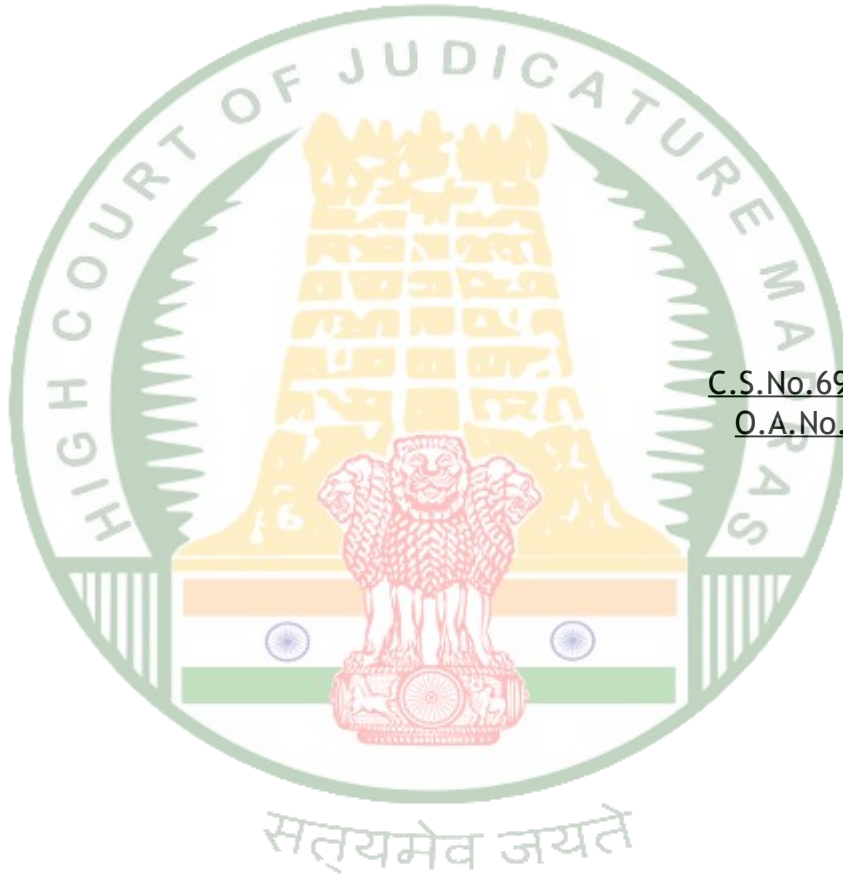
The Sub Assistant Registrar,  
Original Side,  
High Court, Madras.



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K.KALYANASUNDARAM, J.,

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