

A.No.1199 of 2020

in

C.S.No.132 of 2013

N.SATHISH KUMAR,J

This application has been filed to amend the preliminary decree dated 3/1/2018 passed in C.S.No.132 of 2013.

2. It is an undisputed fact that preliminary decree was passed on 3/1/2018. As per the said decree, applicant was entitled to 1/5th share in 'A' and 'D' schedule properties and 6/25th share in 'B' and 'C' schedule properties.

3. The first defendant, mother of the applicant, died during the pendency of final decree proceedings, on 14/11/2018 and all her legal heirs were already on record. In view of the death of the applicant's mother, share allotted to her in the preliminary decree will devolve on the applicant and defendants 2 to 4. Hence the applicant filed an application in A.No.5193 of 2019 seeking for amendment of the final decree proceedings to the effect that the applicant is entitled to 1/4th share in 'A'

and 'd' schedule properties and 6/24th share in 'B' and 'C' schedule properties. This Court, vide, order, dated 3/9/2019 allowed the application and final decree application has been amended.

4. Application No.8513 of 2018 has been filed to pass a final decree in C.S.No.132 of 2013 allotting to 1/4th share in the suit 'A' and 'D' schedule properties and 6/24th share in the suit 'B' and 'C' schedule properties share in the suit property schedule to petition and deliver to the applicant, the separate possession of the same and permit the plaintiff therein to use, occupy and enjoy the same.

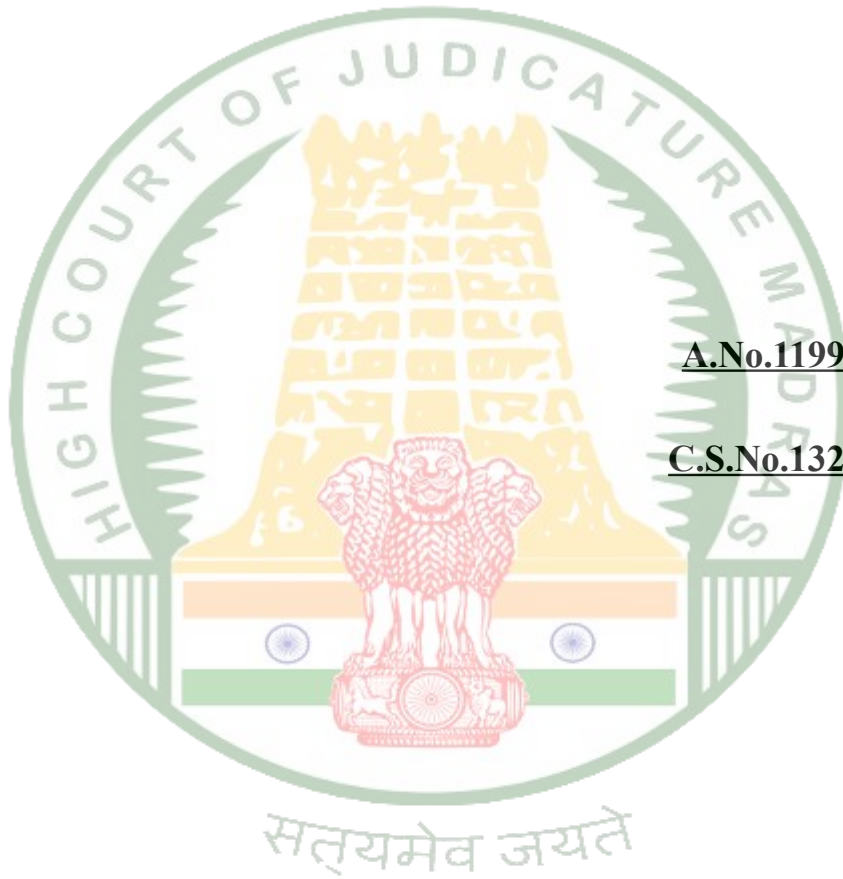
5. Considering the fact that issuance of fresh warrant to the Advocate Commissioner, final preliminary decree, dated 3/1/2018 will have to be suitably amended, A.No.1199 of 2020 is ordered as prayed for.

30/9/2020

mvs.

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m.,30/9/2020