



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 10TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S.No. 180 of 2021

and

O.A.No. 288 & 289 of 2021

Mrs. Mamta Daga

Rep. By her Power of Attorney Mr. Ram Niranjana Daga

Wife of Ram Niranjana Daga

K-29, Anna Nagar (East)

Chennai – 600 102.

... Plaintiff/Applicant

-Versus-

1.Mr. Deepak Om Prakash Daga,

2.Mr. Harsh Om Prakash Daga,

Both residing at

K-29, Anna Nagar (East)

Chennai – 600 102.

... Respondent/Defendant

C.S.No. 180 of 2021

Civil Suit praying that this Hon'ble Court be pleased to pass a
Judgement and Decree in favour of the plaintiff and against the defendants:

1. Granting a preliminary decree for partition and separate possession of the Plaintiff's 2/3rd share in the suit Schedule property and pass a final decree allotting a specific share in the suit property divided by metes and bounds, taking into account all the relevant factors regarding the value and utility of the property.



2. Costs of the suit.

O.A.No. 288 of 2021:

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the respondents/defendants, their men, agents and those claiming under them and acting on their behalf from in anyway interfering from the Applicant/Plaintiff's peaceful possession and enjoyment of the suit schedule property pending disposal of the above suit.

O.A.No. 289 of 2021:

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the respondents/defendants, their men, agents and those claiming under them alienating or in any way encumbering the suit schedule property, pending disposal of the above suit.

This suit alongwith these original applications coming on this day before this Court for hearing in the presence of Mr.C.Vigneswaran, Advocate for the plaintiff in C.S.No. 180 of 2021 and for the Applicant in O.A.Nos. 288 & 289 of 2021 and Mr.V. Raghavachari, advocate for the defendants in C.S.No. 180 of 2021 and for the respondents in O.A.Nos. 288 & 289 of 2021 and upon reading the plaint filed in C.S. 180 of 2021 and the order dated 15/07/2021 made in O.A. Nos. 288 and 289 of 2021 and the



06.11.2021 signed by the plaintiff and the defendants and this court doth recording the memos morefully setout in the Schedule hereunder, it is

ordered as follows:-

That the Suit in C.S.No. 180 of 2021 be and is hereby dismissed as settled out of court.

2. That the O.A.Nos. 288 & 289 of 2021 do stand closed.

(Schedule Memo)



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19.11.2021

21/02/2022

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C.S.No. 180 of 2021

and

O.A.No. 288 & 289 of 2021

DECREE

DATED 10/11/2021

THE HON'BLE MR.JUSTICE

ABDUL QUDDHOSE

FOR APPROVAL: 21/02/2022

APPROVED ON: 28/02/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.11.2021

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.180 of 2021

&

O.A. Nos.288 and 289 of 2021

Mamta Daga

Rep.by her Power of Attorney Mr. Ram Niranjana Daga

Wife of Ram Niranjana Daga

... Plaintiff

Vs.

1. Deepak Om Prakash Daga

2. Harsh Om Prakash Daga

... Defendants

Plaint filed under Order IV Rule 1 of Original Side Rules read with order VII Rule 1 of CPC to pass a judgment and decree in favour of the plaintiff ad against the defendants

a. granting a preliminary decree for partition and separate possession of the plaintiff's 2/3rd share in the suit schedule property and pass a final decree allotting a specific share in the suit property divided by metes and bounds, taking into account all the relevant factors regarding the value and utility of the property;

b. Costs of the suit.

For Plaintiff : Mr.C. Vigneswaran

For Defendants: Mr. V. Raghavachari

**JUDGMENT**

WEB COPY

The learned counsel for the plaintiff has filed a Memo dated 06.11.2021 stating that the parties have settled the dispute out of court and he has sought for withdrawal of the suit. The learned counsel for the defendants has also filed a Memo dated 06.11.2021 signed by the plaintiff and the defendants disclosing as to how the settlement was arrived between the parties.

2.The extract of both the Memos (one filed by the learned counsel for the plaintiff and joint Memo filed by the learned counsel for the defendants) are reproduced hereunder :

MEMO FOR WITHDRAWAL OF SUIT

It is submitted as follows:-

- 1. The above suit filed by the plaintiff for partition has been settled out of court between the parties. Hence the plaintiff may be permitted to withdraw the above suit.*
- 2. The e mail sent by the plaintiff represented by her power of attorney seeking withdrawal of the suit is enclosed herewith.*
- 3. It is therefore prayed that this Hon'ble Court be pleased to permit the plaintiff to withdraw the above suit and thus render justice.*

JOINT MEMO

<https://hcservices.ecourts.gov.in/hcservices/> *The parties to this lis state as follows:*

- 1. The plaintiff filed the suit seeking for partition, making a claim of 2/3rd*



share in the suit schedule property. While the suit was pending, on the intervention of family members, the plaintiff had agreed to effect transfer her portion.

- 2. Accordingly, on 13-10-2021 the plaintiff had transferred her 2/3rd share in favour her husband, Mr. Ram Niranjana Daga by way of settlement deed registered as Document No.4251 of 2021 on the file of Sub Registrar Office, Anna Nagar. Mr. Ram Niranjana Daga in turn transferred the 2/3rd share in favour of Mr. Om Prakash Daga, father of Defendants 1 & 2 and Mr. Ravindra kumar Daga, paternal uncle of the Defendants 1 & 2, by way of settlement deed dated 20-10-2021 registered as Document No.4282 of 2021 on the file of the Sub Registrar Office, Anna Nagar.*
- 3. As the Plaintiff has transferred her share and at present the 2/3rd share vest with the father and prenatal uncle of the defendants 1 and 2, there is no necessity to make any adjudication in the suit.*
- 4. It is therefore prayed that this Hon'ble Court may pleased to record the terms this memo and dispose of C.S. No.180/2021 and pass such further or other orders and thereby render justice.*

3. Both the Memos are recorded and the suit is dismissed as settled out of court. Consequently, connected original applications are closed.

4. Both the Memos shall form part of the judgment.

Sd/- A.Q.J.
10/11/2021

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.