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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 26TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE P. RAJAMANICKAM

C.S.No. 795 of 2013

L.S. Sarvendra Gupta
Son of L.Sundaram
No.55/69, Lakshmi Talkies Road,
Shenoy Nagar,
Chennai – 600 030.

... Plaintiff

-Vs-

*1. LS Saraswathy (Deceased)
Wife of L.Sundaram

2. LS Anandan
Son of L.Sundaram

3. LS Srinivasan,
Son of L.Sundaram
1 to 3 plaintiff residing at number 56/71,
Lakshmi Talkies Road,
Shenoy Nagar,
Chennai – 600 030.

* The Defendants 2 and 3 are recorded as LR's of Deceased
1st Defendant as per order dt.19/9/18 in Appln.No.7115/18 and
Appln No.7116/18

4. Y. Dhanalakshmi,
Wife of Emperumanar,
daughter of late L. Sundaram,
residing at 5/5, Ramachandra Iyer Street,
Muppathamma Flats, T.Nagar,
Chennai – 600 017.



5. LS Varadharajan,
son of L.Sundaram,
residing at 120, Avadana Papaiyya Road,
Choolai, Chennai – 600 012.
6. Vijayakumar,
Ground Floor, Front Portion
7. V. Nagarajan,
Ground Floor, Rear Portion
8. K. Raju,
Second Floor, Front Portion
9. Balakrishnan,
Second Floor, Middle Portion
10. Perumal,
Second Floor, Rear portion,
6 to 10 defendants residing
No.56/71 Lakshmi Talkies Road,
Shenoy Nagar,
Chennai – 600 030.
11. Karuppiah,
having business at No.56/71,
Lakshmi Talkies Road,
Shenoy Nagar,
Chennai – 600 030.
12. Sri Shakthi Systems,
Properitor Selladurai,
having business at No.228,
Poonamallee High Road,
Aminjikarai,
Chennai – 600 029.

... Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a

Judgement and Decree that

(a) the plaintiff is entitled to a partition of half share in the suit



schedule properties by metes and bounds;

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(b) appoint an advocate Commissioner to partition the property by metes and bounds by allotting the shares to the parties to the suit.

(c) for cost of the suit.

This Civil Suit coming on this day before this court for hearing in the presence of Mr.G.Surya Narayanan, advocate for the plaintiff herein and Mr.C.P.Palanichamy, advocate for the defendants 6 to 12 herein and the defendants 1 to 5 herein not appearing in person or by advocate and upon the reading the plaint and joint compromise memo filed herein and the said joint compromise memo was signed by the plaintiff and defendants 2 to 4 and their respective advocates and the said advocates for the parties hereto praying this court to pass a decree interms of joint compromise memo morefully setout in the schedule hereunder and this court doth recording the said joint compromise memo and **it is interms thereof ordered and decreed as follows:-**

That the plaintiff herein shall release all his rights and succession rights claimed in the partition suit in C.S.No.795/2013 in respect of (i) Land and building situated at Door No.56/71, Lakshmi Talkies Road, Shenoy Nagar, Chennai – 600 030, (ii) Land and building situated at Door



T.S.No.16, measuring 2100 Sq.ft and (iii) the building situated at Door No.319, Poonamallee High Road, Aminjikarai, Chennai – 600 029 and the shop “Sundaram Maligai Stores” running in the premises and (iv) Movable items namely 200 sovereigns Gold Jewellery items, 150 carat diamond Jewellery items and Bank deposits (Excluding the Andhra Bank Fixed Deposit).

2) That defendants 2 & 3 L.S.Anandan, L.S.Srinivasan hereto shall compensate the plaintiff on releasing all their rights and succession rights in respect of the property situated at Door No.55/69, Lakshmi Talkies Road, Shenoy Nagar, Chennai – 600 030, which belongs to the plaintiff and father of the plaintiff and the defendants namely Mr.L.Sundaram, where the plaintiff L.S.Sarvendra Gupta is now residing.

3) That L.S.Anandan, L.S.Srinivasan, the defendants 2 & 3 herein agreed to pay Rs.12,00,000/- (Rupees Twelve Lakhs only) to the plaintiff L.S.Sarvendra Gupta in the following manner.

i. The defendants L.S.Anandan, L.S.Srinivasan agreed to permit the plaintiff to receive the proceeds of the Bank Deposit in Andhra

Bank, in Account No.050620023002651 stands in the name of

the father of the plaintiff and the defendants



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Late.Mr.L.Sundaram which is calculated approximately Rs.9,00,000/- (Rupees Nine Lakhs only) as on January 2021.

ii. The 2nd defendant L.S.Anandan had issued a cheque for Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in favour of the plaintiff L.S.Sarvendra Gupta, dated 28.01.2021 drawn on The Tamilnadu State Apex Co-op Bank Ltd., Shenoy Nagar Branch bearing Cheque No.232415.

iii. That the 3rd defendant L.S. Srinivasan had issued a cheque for Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in favour of the plaintiff L.S.Sarvendra Gupta, dated 25.01.2021 drawn on Central Bank of India, Aminjikarai Branch bearing Cheque No.080650.

4) That the defendants 2 & 3 L.S.Anandan, L.S.Srinivasan herein also agreed to hand over the parent title deed of the property situated at Door No.55/69, Lakshmi Talkies Road, Shenoy Nagar, Chennai – 600 030 to the plaintiff L.Sarvendra Gupta.



5) That the plaintiff and defendants herein agreed that the cheques and the Title documents shall be handed over to the plaintiff in the presence of the both side advocates.

6) That it was mutually agreed by the Plaintiff and the defendants herein that either the plaintiff L.S.Sarvendra Gupta or his legal heirs shall not file any case against the defendants L.S.Varadharajan, L.S.Anandan and L.S.Srinivasan claiming share or rights in the properties in future.

7) That likewise defendants L.S.Varadharajan, L.S.Anandan and L.S.Srinivasan herein or their Legal heirs shall not file any case against the plaintiff L.S.Sarvendran Gupta claiming share or rights in the properties in future.

SCHEDULE

Joint Compromise Memo



ED

29.10.2021

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C.S.No.795 of 2013

DECREE :

DATED : 26/02/2021

THE HON'BLE MR. JUSTICE
P. RAJAMANICKAM

FOR APPROVAL: 17/11/2021

APPROVED ON : 17/11/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

C.S.No.795 of 2013

L.S.Sarvendra Gupta

...Plaintiff

Vs.

1.L.S.Saraswathy(Deceased)

2.L.S.Anandan

3.L.S.Srinivasan

(Defendants 2 and 3 are recorded
as LR's of the deceased 1st defendant
as per order dated 19.09.2018 in
Appl.Nos.7115 & 7116/2018)

4.Y.Dhanalakshmi

5.L.S.Varadharajan

6.Vijayakumar

7.V.Nagarajan

8.K.Raju

9.Balakrishnan

10.Perumal

11.Karuppiah

12.Sri Shakthi Systems,
Proprietor Selladurai
Having business at No.228,
Poonamallee High Road,
Aminijikarai,
Chennai 600 029.

...Defendants



Plaint filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 of the Code of Civil Procedure, praying for judgment and decree that

(a) the plaintiff is entitled to a partition of half share in the suit schedule properties by metes and bounds;

(b) appoint an Advocate Commissioner to partition the property by metes and bounds by allotting the shares to the parties to the suit;

(c) for cost of the suit.

For Plaintiff : Mr.G.Surya Narayanan

For Defendants : Mr.C.P.Palanichamy
for D6 to D12
: Ms.A.Madhumathi for D1 to D3
(No appearance)
: Mr.Ishtiaq Ahmed for D4 & D5
(No appearance)

ORDER

Joint Compromise Memo is filed.

The plaintiff and the defendants 2 to 4 appeared in person along with their respective counsel. The Joint Compromise Memo was read over and explained in tamil to the parties. They have admitted the contents of the memo and requested to pass a decree in terms of the said compromise memo.



2. This Court is satisfied that the parties have voluntarily entered into a compromise. Hence, the said compromise memo is recorded. The suit in C.S.No.795 of 2013 is decreed in terms of the Joint Compromise Memo. The Joint Compromise Memo shall form part of the decree.

Sd./- P.R.M.J.
26.02.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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