

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

C.S.No.602 of 2019

- 1.Smt.Krishnaveni
- 2.Smt.Neela
- 3.K.Gopal
- 4.Amutha
- 5.G.Elangovan
- 6.G.Kabilan
- 7.G.Duraibabu
- 8.G.Ananthi
- 9.M.Durai (Deceased)
- 10.D.Shivakumar
- 11.D.Nagaraj
- 12.D.Poppy Shakila
- 13.D.Ananthi
- 14.D.Sumathi

(Plaintiffs 10 to 14, recorded as legal heirs of the deceased 9th plaintiff as per order dated 15.04.2021 in A.No.1049 of 2021)

... Plaintiffs

Vs.

- 1.G.Munusamy
- 2.Manjula
- 3.M.Rekha
- 4.M.Mythily
- 5.M.Revathy
- 6.M.Sowmya
- 7.Smt.Sathya Rubi (Deceased)
- 8.Smt.Selvi
- 9.Ramesh
- 10.Smt.Sharmila
- 11.Smt.Shakhila

12.V.A.Shanmugavel
13.Aravinda Raj
14.D.Murali
15.A.Rajkumar
16.G.Mala

(Defendant 14 brought on record as legal heirs of the deceased 9th plaintiff as per order dated 16.04.2021 in A.NO.1049 of 2021.)

(Defendants 15 & 16 brought on record as legal heirs of the deceased 7th defendant as per order dated 29.07.2021 in A.No.2556 of 2021)

... Defendants

Prayer : Plaintiff filed under Order VII Rule 1 of C.P.C., (a) declaring that the plaintiffs put together are entitled to 5/8 share in the plaint schedule properties; (b) Passing a preliminary decree for partition and separate possession of the plaintiffs' 5/8 share in and out of the suit schedule properties as mentioned in the list of documents; (c) Directing the defendants to pay the costs of the suit.

For Plaintiffs :Mr.R.Sunil Kumar

For Defendants :Mr.S.R.Raghunathan for D1 & D2
Ms.Tanyakapoor for D3 to D11
Mr.R.Selvakumar for D12 & D13
No appearance for D14 to D16

ORDER

This civil suit has been filed seeking to declare that the plaintiffs put together are entitled to 5/8 share in the plaint schedule properties and to Pass a preliminary decree for partition and separate possession of the plaintiffs' 5/8 share in and out of the suit schedule properties as mentioned in the list of documents.

2. When the matter is taken up for hearing, on behalf of the parties, a memo of compromise dated 27.10.2021, outlining the terms of the settlement among themselves, has been filed.

3. The learned counsel appearing for the plaintiffs and the contesting defendants requested this Court to decree the suit in terms of the compromise memo filed by the parties dated 27.10.2021.

4. The learned counsel for the first and second defendants would submit that the suit may be dismissed in so far as the defendants 12 and 13 are concerned, since they are purchasers and third parties.

5. The memo dated 27.10.2021, filed by the parties is taken on

record. The contents of the memo shall form part and parcel of this order. In view of the compromise arrived between the parties in the partition suit, the suit stands decreed as prayed for.

6. As far as the defendants 12 and 13 are concerned, the suit stands dismissed. No costs.

Sd/-V.P.N.J.
28.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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