

IN THE HIGH COURT OF JUDICATURE AT MADRAS

JUDGMENT RESERVED ON: 23.12.2020

JUDGMENT DELIVERED ON: 07.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.S.No.896 of 2017

D.Yasodha

.. Plaintiff

Vs.

1.K.S.Sathynarayanan
2.K.S.Sundaranarayan
3.K.S.Mohanakrishnan
4.K.S.Damodharan
5.V.Komaleeswari
6.S.Vasanthi
7.Rani Mythily
8.R.Raja Krishnakumar
9.Latha Ravi Kumar
10.R.Vidhya
11.Sabitha Mukundhan
12.R.Vijayakumar
13.R.Sathishkumar

.. Defendants

PRAYER : Complaint filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of the Madras High Court Original Side Rules, and prays for the following judgment and decree against the defendants,

(a) to declare the Plaintiff's 1/8th share in the suit property bearing old No.40, New No.15, Lakshmi Talkies Road, Shenoy Nagar, Chennai-600 030,

more fully described in the schedule hereunder and pass a preliminary decree to such effect.

(b) to direct the Defendants 1 to 4 to render a true and proper account in respect of the rental collections/mesne profits that have accrued from the suit property for a period of three years, preceding the date of inception of this suit.

(c) to direct the Defendants to pay the costs of this suit.

For Plaintiff : Mr.P.B.Ramanujam
For Defendants : Mr.K.Harishankar
For D1 to D4 & D7 : No appearance
For D5,D6, D8 to D13.

JUDGMENT

Heard the learned counsel for the plaintiff and learned counsel for the defendants D1 to D4 and D7.

2. According to the defendants 1 to 4 & 7 the Will executed by one Navamani Ammal dated 05.05.1968 was probated on 11.07.2018 by the Hon'ble Division Bench of this Court in O.S.A.No.310 of 2017, thereby they became absolute owners of suit property. Hence, the suit for partition filed by the plaintiff is to be dismissed as not maintainable in law. To that effect memo

dated 21.12.2020, filed with the online main copy of O.S.A.No.310 of 2017 are submitted.

3. Perused the order dated 11.07.2018 of the Hon'ble Division Bench of this Court in O.S.A.No.310 of 2017 which proved the absolute right of those defendants.

4. The plaintiff also not raised any objection and accepted the order passed in O.S.A.No.310 of 2017 by the Hon'ble Division Bench of this Court.

5. The said memo, dated 21.12.2020 is recorded.

6. In view of the order passed in O.S.A.No.310 of 2017, the suit is dismissed. No costs.

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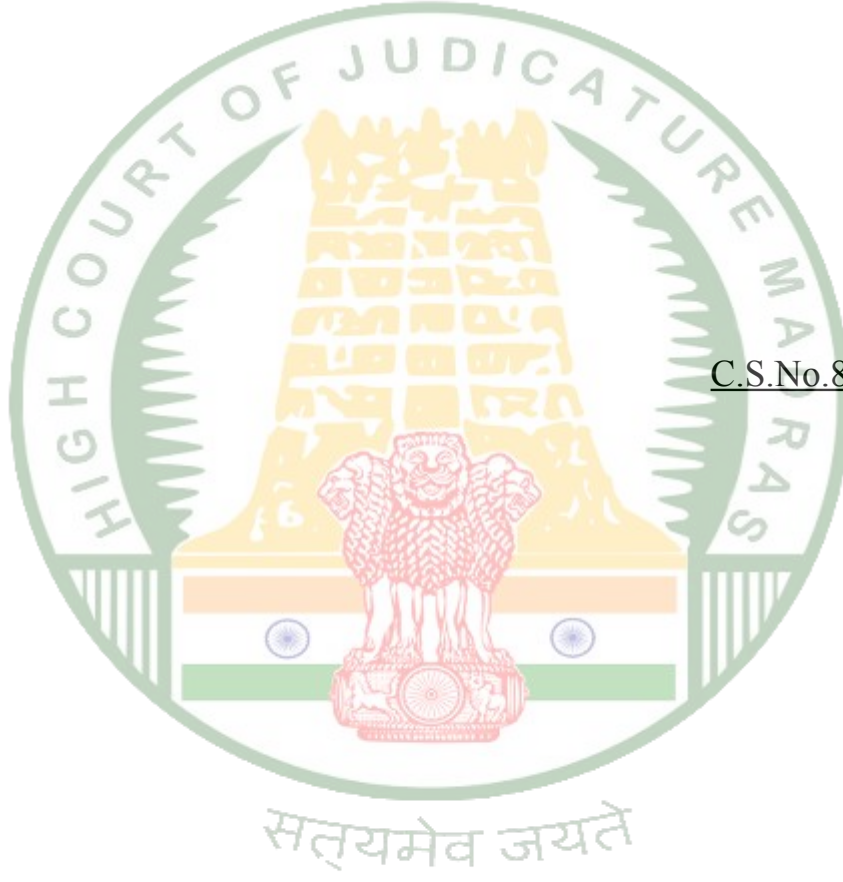
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Index : Yes/No

Speaking Order: Yes/No

T.V.THAMILSELVI,J.

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