



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 18TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S.No.721 of 2019

and

A.No.9796 of 2019

Mrs.Kavitha,
D/o. Late Mr.M.Nadavelu
W/o.Mr.J.Vigneswaran
No.15/3, Gokulam Flats,
1st Floor,
OFF V.R.Pillar Street,
Triplicane,
Chennai – 600 014.

....Plaintiff/Applicant

Vs.

1. Mrs.N.Lakshmi @ Mahalakshmi
Wife of late Mr.M.Nadavelu,
Presently Wife of K.Sampath Kumar,
2. Mrs. K.Sampath Kumar,
Son of G.Karutaa Gnaniar,
3. Mrs. S.Suganya
Wife of Veera Jagadeeswar,
D/o.K.Sampath Kumar,
4. Mrs. N.Vinothini,
D/o.late Mr.Nadavelu,
W/o.Mr.R.Lakshmi Narayanan

Defendant 1 to 4 are residing at: No.1A, Brahmin Street,
Nemilicherry, Chrompet, Chennai – 600 044.

5. The Passport Authority of India,
Rayala Towers, Anna Salai, Chennai – 600 002.



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6. The Registrar of Births and Deaths,
Pallavaram Municipality Salai, Chrompet, Chennai – 600 044.

7. The Chairman and Managing Director,
TANSI,
Thiru Vi Ka Estate, Guindy, Chennai – 600 032.

8. The Joint Sub Registrar,
Saidapet, Guindy,
Chennai – 600 032.

9. The Tashildar
Mambalam Guindy Taluk Office,
T.Nagar, Chennai – 600 017.

10. The Forensic Science Department,
30A, Kamarajar Salai,
Mylapore, Chennai – 600 004.

....Defendants/Respondents

Civil suit praying that this Hon'ble Court be pleased to pass a decree
and judgment in favour of the plaintiff:

a) Mandatory direction directing the defendants 1, 2 and 4 to subject
them for DNA Test along with the plaintiff to prove the paternity status of
the plaintiff in the office of the 10th defendant and direct the 10th
defendant to do the DNA profiling and file a report of the same before this
Hon'ble court

b) declaration declaring that the plaintiff is the daughter born to the
1st defendant through late Mr.M.Nadavelu

c) direct the defendants 1 to 3 to pay jointly and severally a sum of

Rs.1,00,01,000/- (Rupees One crore and one thousand) being the



compensation together with interest at the rate of 12% to the plaintiff from the date of plaint till the date of realization,

d) direct the 1st defendant to make necessary application and request the concern Government bodies to change the father's name of the plaintiff as Late Mr.M.Nadavelu in the place of Mr.Sampathkumar in all her records including school certificate, revenue records and birth certificate.

e) Mandatory direction directing the 6th defendant to effect change of father name as late Mr.M.Nadavelu in the place of Sampathkumar in the birth certificate of the plaintiff

f) Mandatory direction directing the 5th defendant to take an appropriate action against the defendants 1 to 3 for having obtained Passport by suppressing material facts by placing fraudulent document and impound and confiscate the Passport issued to them.

g) declaration declaring that the marriage between the 1st and 2nd defendants allegedly solemnized on 25.9.1983 and subsequently registered in the office of the 9th defendant on 12.05.1997 is null and void.

h) Mandatory direction directing the 7th defendant to take an appropriate legal action against defendants 1 and 2 for having fraudulently obtained death benefits of late Mr.M.Nadavelu in an illegal manner.

Recover the death benefits of late Mr.N.Nadavelu with interest from them and settle the same to the plaintiff and 4th defendant in equal proportion.



i) to pay the cost of the suit.

A.No.9796 of 2019:

Application praying that this Hon'ble Court be pleased to pass an order of ad interim mandatory direction directing the respondents 1, 2 and 4 to subject for the Forensic Test of DNA Profile along with the applicant in the office of the 10th respondent/defendant and to find out the parental status of the applicant and direct the 10th respondent/defendant to do the DNA profiling and file a report of the same before this Hon'ble Court pending disposal of the suit.

This Civil suit along with the application coming on this day before this court for hearing in the presence of Mr.S.Saravanan, Advocate for the defendant 1 and 2 in C.S.No.721 of 2019 and for the respondents 1 and 2 in A.No.9796 of 2019 and Mr.C.Kulanthaivel, Advocate for the 5th defendant in C.S.No.721 of 2019 and for the 5th respondent in A.No.9796 of 2019 and upon reading the plaint filed in C.S.No.721 of 2019 and the judge's summon and the affidavit of Kavitha filed in A.No.9796 of 2019 and the memo dated 10.11.2021 filed by the plaintiff herein and the plaintiff's seeking permission of this court to withdraw the suit and this court doth recording the memo more fully set out in the schedule hereunder, it is ordered as follows:-



settled out of court.

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2) That the A.No.9796 of 2019 do stand closed.

Memorandum of Compromise



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T.E

29.11.2021

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C.S.No.721 of 2019
and
A.No.9796 of 2019

DECREE:-
DATED :18.11.2021

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 18.02.2022

APPROVED ON: 28.02.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.721 of 2019

and

A. No.9796 of 2019

Kavitha

... Plaintiff

Vs.

1. N. Lakshmi @ Mahalakshmi
2. K. Sampath Kumar
3. S. Suganya
4. N. Vinothini
5. The Passport Authority of India,
Rayala Towers, Anna Salai, Chennai – 600 002.
6. The Registrar of Births and Deaths,
Pallavaram Municipality, Chrompet, Chennai- 600 044.
7. The Chairman and Managing Director,
TANSI, Thiru Vi Ka Estate, Guindy, Chennai – 600 032.
8. The Joint Sub Registrar,
Saidapet, Guindy,
Chennai 600 032.
9. The Tahsildar,
Mambalam Guindy Taluk Office,
T. Nagar, Chennai 600 017.
10. The Forensic Science Department,
30A, Kamaraj Salai,
Mylapore, Chennai 600 004.

... Respondents

Civil Suit filed under Order IV Rule 1 of the Madras High Court Original Side Rules and Read with Order VII Rule 1 of CPC seeking for the following relief :

a. Mandatory direction directing the defendants 1,2 and 4 to subject them for DNA Test along with the plaintiff to prove the paternity status of



the plaintiff in the office of the 10th defendant and direct the 10th defendant to do the DNA profiling and file a report of the same before this Hon'ble Court

b. declaration declaring that the plaintiff is the daughter born to the 1st defendant through late Mr. M.Nadavelu

c. direct the defendants 1 to 3 to pay jointly and severally a sum or Rs.1,00,01,000/- (Rupees One crore and one thousand) being the compensation together with interest at the rate of 12% to the plaintiff from the date of plaint till the date of realisation

d. direct the 1st defendant to make necessary application and request the concern Government bodies to change the father's name of the plaintiff as Late Mr.M.Nadavelu in the place of Mr. Sampathkumar in all her records including school certificate, revenue records and birth certificate.

e. Mandatory direction directing the 6th defendant to effect change of father name as later Mr.M.Nadavelu in the place of Sampathkumar in the birth certificate of the plaintiff

f. Mandatory direction directing the 5th defendant to take an appropriate action against the defendants 1 to 3 for having obtained Passport by suppressing material facts by placing fraudulent documents and impound and confiscate the Passport issued to them.

g. declaration declaring that the marriage between the 1st and 2nd defendants allegedly solemnised on 25.09.1983 and subsequently registered in the office of the 9th defendant on 12.05.1997 is null and void.

h. Mandatory direction directing the 7th defendant to take an appropriate legal action against defendants 1 and 2 having fraudulently



obtained death benefits of late Mr.M.Nadavelu in an illegal manner. Recover the death benefits of late Mr.M.Nadavelu with interest from them and settle the same to the plaintiff and 4th defendant in equal proportion.

i. to pay the cost of the suit.

JUDGMENT

The party in person, Mrs.Kavitha has filed a Memo before this Court dated 10.11.2021 seeking permission of this Court to withdraw the Suit. The said Memo is recorded. Accordingly this Civil Suit is dismissed as settled out of Court. Consequently, connected Application is closed.

2. The Memo dated 10.11.2021 filed by the petitioner shall form part of this Judgment which is extracted as follows :

MEMO FILED BY THE PLAINTIFF FOR

WITHDRAWAL

The plaintiff humbly submits as follows:-

1. The plaintiff humbly submits that she had filed the above civil suit before this Hon'ble Court for the various reliefs as follows;

a. Mandatory Injunction directing the defendants 1,2 and 4 to subject them for DNA Test allowing with the plaintiff to prove the paternity status of the plaintiff in the office of the 10th defendant and direct the 10th defendant to do the DNA profiling and file a report of



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the same before this Hon'ble Court

b. declaration declaring that the plaintiff is the daughter born to the 1st defendant through late Mr. M.Nadavelu

c. direct the defendants 1 to 3 to pay jointly and severally a sum or Rs.1,00,01,000/- (Rupees One crore and one thousand) being the compensation together with interest at the rate of 12% to the plaintiff from the date of plaint till the date of realisation

d. direct the 1st defendant to make necessary application and request the concern Government bodies to change the father's name of the plaintiff as Late Mr.M.Nadavelu in the place of Mr. Sampathkumar in all her records including school certificate, revenue records and birth certificate.

e. Mandatory direction directing the 5th defendant to take an appropriate action against the defendants 1 to 3 for having obtained Passport by suppressing material facts by placing fraudulent documents and impound and confiscate the Passport issued to them.

g. declaration declaring that the marriage between the 1st and 2nd defendants allegedly solemnised on 25.09.1983 and subsequently registered in the office of the 9th defendant on 12.05.1997 is null and void.

h. Mandatory direction directing the 7th



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defendant to take an appropriate legal action against defendants 1 and 2 for having fraudulently obtained death benefits of late Mr.M.Nadavelu in an illegal manner. Recover the death benefits of late Mr.M.Nadavelu with interest from them and settle the same to the plaintiff and 4th defendant in equal proportion.

2. The plaintiff further submits that the 1st Defendant who is none other than the mother of the plaintiff. During the pendency of the above suit, the 1st defendant was sick and there was a family talk, the plaintiff and the defendants 1 to 4 entered into compromise and settled the matter amicably. Since the issue has been settled between the plaintiff and the defendants 1 to 4, the plaintiff is agreeing to withdraw the above suit unconditionally.

It is therefore, the plaintiff, most humbly prays that this Hon'ble Court may be pleased to record the memo and permit the plaintiff to withdraw of the above Civil Suit in C.S.No.721 of 2019 unconditionally.

Sd./-A.Q.J.
18.11.2021