



WEB COPY



A.No.8890 of 2019
in C.S.No.616 of 2011 &
C.S.No.700 of 2011

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N.SESHASAYEE. J.,

Two suits were laid in C.S. Nos. 616 of 2011 and C.S.No.700 of 2011 to divide one item of the property. In all, there are 14 sharers to this block of plot. A preliminary decree was passed on 06.06.2019. Thereafter, the 1st plaintiff in C.S.No.700 of 2011 and the 9th defendant in C.S.No.616 of 2011 had taken out the present application in A.No.8890 of 2019 for passing a final decree.

2.An Advocate Commissioner was appointed by the Court to suggest the mode of division. She has visited the property and filed a report along with a plan suggesting mode of division.

3.Tmt.B.Usha, the 1st plaintiff in C.S.No.616 of 2011 (8th defendant in C.S.700 of 2011) wanted a metes and bounds partition of her share. The Commissioner has suggested a mode of dividing it in her report.



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4.Be that as it may, Mr.R.S.Ravi, the 3rd defendant in both the suits also seeks a share by metes and bounds like Tmt.B.Usha. The parties have now agreed that the same may be allotted adjacent to the plot suggested for allotment to Tmt.B.Usha by the Commissioner.

5.Today, a Memo dated 01.10.2021 signed by 11 out of 14 parties is filed before this Court. There is also a plan attached to it, in which, all the 11 parties have signed. The three (3) left out parties are Mr.S.Chitti Babu, Mrs.S.Vijayalakshmi and Mr.S.Sowmithran. In the plan, a portion in red in the north-western extreme and denoted as 'A' plot was allotted to Tmt.B.Usha, the 1st plaintiff in C.S.No.616 of 2011 (and the 8th defendant in C.S.No.700 of 2011). Immediately on to the east of the aforesaid plot is shown a plot in blue colour and denoted as the 'B' plot allotted to the share of Mr.R.S.Ravi, the 3rd defendant in both the suits.

6.So far as the non signatory viz. Mr.S.Chitti Babu, Mrs.S.Vijayalakshmi and Mr.S.Sowmithran are concerned, they are not living in Chennai, and a Memo signed by their respective counsel have been filed, agreeing to the proposal.

7.In view of the above, this Court now decides to accept the plan now



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presented before this Court by the counsel for the applicant / Smt.A.Chamundeeswari as circulated. This Court now passes a final decree in terms of the plan signed by 11 / 14 of the sharers and also act on the Memo filed on behalf of the non-signatory to this plan as below:

- A final decree be passed allotting the red colour portion marked 'A' in the plan to the share of Tmt.B.Usha, the 1st respondent in this application.
- The 'B' plot shown in blue colour is allotted to Mr.R.S.Ravi, the 5th respondent in this application.
- The plot measuring 5,353.5 sq. ft. shown as 'C' plot and in yellow colour in the plan is allotted commonly to the remaining parties, which includes the applicant, respondents 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13.
- This Court directs that vacant portion of 'A' and 'B' plots in the plan shall be handed over to the respective parties within a period of four months from today viz. 05.10.2021.
- Mr.R.S.Ravi, the 4th respondent is stated to be in occupation in a



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8.The plan signed by the 11 /14 sharers is directed to be made part of the final decree.

05.10.2021
(1/2)

kas/ dk

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WEB COPY SKETCH SHOWING THE PROPERTY ADMEASURING AN EXTENT OF 5991 SQ.FT
AT OLD No.160,NEW No.1, TTK ROAD,ALWARPET,CHENNAI - 18.

