



C.S.No.630 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

C.S.No.630 of 2006

1.S.K.Sivaram Prasad (deceased)
2.K.Rajarani
3.K.V.Nagarajan
4.K.Dattareya
(Plaintiffs 2 to 4 are brought on record as
LRs of the deceased sole plaintiff as per
order dated 17.11.2016 in A.No.5980 of
2016)

... Plaintiffs

Vs.

1.K.Rajeswari
2.K.Suresh Kumar
3.K.Surendra Kumar
4.B.Vijayalakshmi
5.K.Surekha
6.K.Lakshmi
7.K.Sucharitha
8.K.Trinath
9.K.Sumitra

... Defendants

Prayer: The Civil Suit has been filed under Order IV Rule 1 O.S.Rules
Read with Order VII Rule 1 CPC ;

(a) For partition and separate possession of the plaintiff's share



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in the plaint schedule mentioned properties by directing the defendants to divide the property by metes and bounds into seven equal shares in respect of item no.1 of the schedule mentioned property and allot one such shares to the plaintiff and divide the item no.2 of the schedule mentioned property into four equal shares and allot three shares to the plaintiff. And divide the item no.3 of the schedule mentioned property into seven equal parts and allot one such share to the plaintiff or its equivalent value.

(b) Directing the first defendant to pay to the plaintiff mesne profits derived from item No.2 of the plaint schedule mentioned property from 7.7.03 till the plaintiff is put in to possession of his share.

(c) for the cost of the suit

(d) for such other reliefs that may be deemed fit and proper in the circumstances of the case.

For Plaintiffs : Mr.C.Ravi
For Defendants : Mr.R.Vishnu



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JUDGMENT

(This case has been heard through video conference)

This is a suit for partition between siblings, or their heirs, as the case may be. This is now compromised and the Court is required to pass a preliminary decree as regards one item of property, final decree as regards another item of property and so far as yet another item of property, the suit is required to be dismissed in terms of the compromise.

2.A memo of compromise signed by the parties has been filed and the learned counsel along with the parties have logged in and identified their respective parties.

3.So far as the plaintiffs are concerned, the 2nd plaintiff is the mother of plaintiffs 3 and 4, and she has been authorised by her children to enter into the compromise by an e-mail and this, the learned counsel for the plaintiffs also confirms.



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4.Secondly, of defendants 2 to 9, defendants 7 to 9 are the children of the 6th defendant and of them, the 8th defendant has authorised his mother, the 6th defendant to enter into the present compromise through his e-mail, which is enclosed with the compromise memo.

5.The 5th defendant has not signed the compromise memo, but she has logged in and she is identified by her counsel. She has authorised the 3rd defendant to sign on her behalf.

6.All the e-mails referred to above are enclosed along with the compromise memo.

7.All parties agreed to the compromise and this Court is satisfied that this compromise is legitimate and valid in law.

8.Accordingly a decree be passed as follows in terms of the compromise



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memo;

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(1)a preliminary decree be passed as regards item one as stated in paragraph 12 of the compromise memo.

(2)So far as item 2 is concerned, the entire property is allotted to the share of the plaintiffs and a decree be passed in terms there of.

(3)So far as the items 3 is concerned, this Suit is dismissed.

No costs. The compromise memo is required to be made part of the decree.

03.02.2022

Tsg/dk

Index : yes / no

Internet : yes / no

Speaking / non speaking



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N.SESHASAYEE, J.,
Tsg/dk

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