



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 29TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.766 of 2011

***Minor R.Krithin**

***Represented by his mother and
natural Guardian Mrs. Mahalakshmi,**
Having permanent address at
No.2932, East Cross-32, Ashoka Road,
Mysore-570 001.

... Plaintiff

*** Plaintiff is declared as Major and Mrs.Mahalakshmi has been
discharged from guardianship as per order dt. 12.11.2021 in
Appln.Nos.4018 & 4019 of 2021**

Vs.

1. Mr. L. Ravindra Narayan,
S/o. Late Mr. L. Ramamurthy,
No. 30-B Gowri Nagar,
Mugalivakkam,
Chennai - 600 116.

2. Mrs. Sarojini Ramamurthy,
W/o. Late Mr. L. Ramamurthy,
No. 30-B Gowri Nagar,
Mugalivakkam,
Chennai - 600 116.

3. Mr. L. Surendar Narrain,
S/o. Late Mr. L. Ramamurthy,
B6 Second Avenue,
Anna Nagar, Chennai 600 102.

...Defendants



Civil Suit praying that this Hon'ble Court be pleased

a) to pass a preliminary decree for partitioning the schedule mentioned properties by metes and bounds and allot $1/6^{\text{th}}$ share in Schedule 'A' property, half share in Schedule 'B' property, $1/6^{\text{th}}$ share in all the items of 1 to 6 of Schedule 'C' properties, $1/6^{\text{th}}$ share in Schedule 'D' property, $1/6^{\text{th}}$ share in Schedule 'E' property, half share in Schedule 'F' property and $1/12^{\text{th}}$ share in Schedule 'G' property.

b) to appoint Advocate Commissioner to partition the properties mentioned in the schedule and allot $1/6^{\text{th}}$ share in Schedule 'A' property, half share in Schedule 'B' property, $1/6^{\text{th}}$ share in all the items of 1 to 6 of Schedule 'C' properties, $1/6^{\text{th}}$ share in Schedule 'D' property, $1/6^{\text{th}}$ share in Schedule 'E' property, half share in Schedule 'F' property and $1/12^{\text{th}}$ share in Schedule 'G' property.

c) To pass final decree for partitioning the schedule mentioned properties by metes and bounds and allot $1/6^{\text{th}}$ share in Schedule 'A' property, half share in Schedule 'B' property, $1/6^{\text{th}}$ share in all the items of 1 to 6 of Schedule 'C' properties, $1/6^{\text{th}}$ share in Schedule 'D' property, $1/6^{\text{th}}$ share in Schedule 'E' property, half share in Schedule 'F' property and $1/12^{\text{th}}$ share in Schedule 'G' property.

This civil suit coming on this day before this court for hearing in the presence of Mr.S.Rajendra Kumar, Advocate for the plaintiff herein and



Mr.B.Hari Krishnan, Advocate for the defendants 1 and 2 herein and upon reading the pleadings filed herein and the mediation report along with Mediation Settlement signed by the plaintiff and the 1st defendant for himself and on behalf of the 2nd defendant herein and their respective advocates and the said advocates for the parties hereto, and the said Mediation report along with mediation Settlement morefully set out in the Schedule hereunder, **it is ordered as follows:-**

That the suit in C.S.No.766 of 2011 be and is hereby dismissed as settled out of Court.

2) That a Certificate under Section 69 A of Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955, do issue herein, out of and under the seal of this Court in favour of R.Krithin, the plaintiff herein authorising him to receive from the Pay and Accounts Office, High Court, Chennai, a sum of Rs.1000/- (Rupees One Thousand Only) being the entire Court Fee paid on the plaint by the plaintiff herein.

SCHEDULE - MEDIATION REPORT

AND

MEDIATION SETTLEMENT



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ARS

09.06.2022

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C.S.No.766 of 2011

ORDER

DATED : 29.04.2022

THE HON'BLE MRS.JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL : 09.06.2022

APPROVED ON : 09.06.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.766 of 2011

R.Krithin

... Plaintiff

Vs.

1. L.Ravindra Narayan
2. Sarojini Ramamurthy
3. L.Surendar Narrain

...Defendants

Civil Suit filed under Order IV Rule 1 of O.S.Rules read with Order VII Rule 1 of CPC for a Judgment and Decree against the defendants as follows:-

a) To pass a preliminary decree for partitioning the schedule mentioned properties by metes and bounds and allot 1/6th share in Schedule 'A' property, half share in Schedule 'B' property, 1/6th share in all the items of 1 to 6 of Schedule 'C' properties, 1/6th share in Schedule 'D' property, 1/6th share in Schedule 'E' property, half share in Schedule 'F' property and 1/12th share in Schedule 'G' property

b) To appoint Advocate Commissioner to partition the properties mentioned in the schedule and allot 1/6th share in Schedule 'A' property, half



share in Schedule 'B' property, 1/6th share in all the items of 1 to 6 of Schedule 'C' properties, 1/6th share in Schedule 'D' property, 1/6th share in Schedule 'E' property, half share in Schedule 'F' property and 1/12th share in Schedule 'G' property.

c) To pass final decree for partitioning the schedule mentioned properties by metes and bounds and allot 1/6th share in Schedule 'A' property, half share in Schedule 'B' property, 1/6th share in all the items of 1 to 6 of Schedule 'C' properties, 1/6th share in Schedule 'D' property, 1/6th share in Schedule 'E' property, half share in Schedule 'F' property and 1/12th share in Schedule 'G' property.

d) To pass further orders.

For Plaintiff : Mr.S.Rajendra Kumar

For Defendants : Mr.B.Hari Krishnan for D1 and D2

J U D G M E N T

The plaintiff, who is the son of the 1st defendant has filed the present suit for partition of the schedule mentioned properties and for the reliefs
aforementioned supra.



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2. The brief facts of the case, as averred by the plaintiff, is as follows:

One Mahalakshmi was married to the 1st defendant in accordance with the Hindu Rites and Customs at Mysore and the wedding was solemnized on 21.11.1996. Out of the wedlock, the plaintiff was born on 25.05.2001 at Chennai and with regard to certain disputes in the family, 1st defendant filed a petition for divorce on the ground of cruelty and the same was opposed by the said Mahalakshmi. Thereafter, the wife of the 1st defendant, viz., Mahalakshmi filed a maintenance petition before the Family Court, Mysore. The said court dismissed the petition for divorce and awarded a sum of Rs.7,500/- [Rupees Seven Thousand five hundred only] towards maintenance and the same was not paid by the 1st defendant. The plaintiff filed the present suit for partition to which the plaintiff is entitled and subsequently, the defendants 1 and 2 alleged that L.Ramamurthy died leaving a Will. However, the plaintiff was aware that L.Ramamurthy died intestate leaving behind the 1st defendant, as one of the legal heirs and therefore, suspicion arose that the Will could be fabricated one. Further, the suit schedule mentioned properties being joint family properties, the plaintiff being legal heir of the 1st defendant, is entitled to a share, therefore seeks to grant the reliefs sought for in the plaint.



3. On the contrary, the defendants 1 & 2, who are the father and grand mother of the plaintiff resisted the suit by filing the written statement, wherein all the contents stated in the plaint were denied and submitted that all the suit properties mentioned by the plaintiff were settled by one L.Narayanasamy Mudaliar, who was the uncle of L.Srinivasa Mudaliar and the defendants 1 and 3 are the descendants of L.Srinivasa Mudaliar, therefore, the suit properties are not the coparcenary properties, in which the plaintiff can make a claim as a coparcener, therefore, prayed to dismiss the suit.

4. Heard the learned counsel on either side and perused the documents placed on record.

5. Admittedly, the suit is laid for partition for certain estate, which the plaintiff claims as his ancestral property in the hands of his father, the 1st defendant in the suit and the 1st defendant derived title from his father, viz., Ramamurthy (paternal grandfather of the plaintiff), under the Will executed by the latter's father, viz., Srinivasa Mudaliyar on 27.11.1957.

6. It is pertinent to point out that as per the orders passed by this



No.IV on 17.03.2021 for cross examination, but the defendants did not appear and cross-examine the P.W.1 and accordingly, the learned Additional Master No.IV has sent back the records to this Court for further orders. As the defendants did not turn up and cross examine the said witness and there was no representation for the defendants on several hearings and on 24.03.2021, they were called absent and set exparte on 24.03.2021. Subsequently, an application in A.No.4924 of 2021 was taken out by the defendants to set aside the exparte order and the same was allowed on payment of Rs.5,000/- on 06.01.2022. Considering the fact that the dispute is between the son and the father, the matter was referred to Mediation before Mediation and Conciliation Center for arriving at an amicable settlement on 25.01.2022.

7. Accordingly, on 07.04.2022, the matter has been settled before the Tamilnadu Mediation and Conciliation Centre, wherein the following settlement [which was duly signed by the plaintiff as well as the 1st defendant, father and son respectively] has been arrived:-

“The father namely, first defendant undertakes to take care of his son Krithin.R, namely, the plaintiff's all the educational expenses in connection with the plaintiff's proposed post graduation study abroad including but not limited to;



1. *Preparation of GRE and TOEFL*
2. *University Application fee*
3. *Affidavit of financial support*
4. *University tuition fee, Travel expenses and living expenses*

Based on the above arrangement, the plaintiff agrees to withdraw the suit namely, C.S.No.766 of 2011 pending on the file of Hon'ble High Court, Madras”

8. In view of the above, the suit is dismissed as settled out of Court.

The Mediation Report and the Settlement arrived at the Mediation shall form part of the decree. Registry is directed to refund the Court fee to the plaintiff, as per Rules.

Sd/-V.B.S.J.
29.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.