

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.315 of 2014 &
A.Nos.4928 of 2017 and 4369 of 2018

Dr.D.S.Manohar ... Plaintiff

Vs

D.S.Ramesh ... Defendant

The Civil Suit is filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of H.C.O.S. Rules, praying for (i) to pass a preliminary decree for partition in favour of the plaintiff for his 1/2 shares in the suit schedule mentioned property, (ii) to direct the defendant to pay a sum of Rs.25,000/- per month towards monthly rent from the date of plaint till the date of delivery possession; (iii) to grant permanent injunction restraining the defendant, his men, agents, representatives and any other persons claiming under them from encumbering alienating, dealing, changing nature, creating charge over the suit property without partition the same, (iv) to pass a final decree by appointing an Advocate Commissioner to effect a convenient division of the suit schedule mentioned property and allot 1/2 shares by metes and bounds in favour of the plaintiff, (v) to order the Defendant to pay the costs of the suit.

For Plaintiff : Mr.D.Senthilkumar
For Defendant : M/s.G.Sumithra

J U D G M E N T

The suit has been filed for the following relief:

1. to pass a preliminary decree for partition in favour of the plaintiff for his 1/2 shares in the suit schedule mentioned property,
2. to direct the defendant to pay a sum of Rs.25,000/- per month towards monthly rent from the date of plaint till the date of delivery possession;
3. to grant permanent injunction restraining the defendant, his men, agents, representatives and any other persons claiming under them from encumbering alienating, dealing, changing nature, creating charge over the suit property without partition the same,
4. to pass a final decree by appointing an Advocate Commissioner to effect a convenient division of the suit schedule mentioned property and allot 1/2 shares by metes and bounds in favour of the plaintiff,
5. to order the Defendant to pay the costs of the suit.

2. After framing the issues in the suit on 23.10.2018, the matter was placed before the learned Master for recording evidence. The defendant appeared before the learned Master on 23.07.2019 and represented that he is ready for partition and hence, the matter is posted before this Court.

3.The learned counsel for the defendant submitted that the defendant has no objection for passing preliminary decree in favour of the plaintiff allotting 1/2 share in the suit schedule property.

4.In view of the above fact, a preliminary decree of partition is passed as prayed by the plaintiff. Consequently, connected applications are closed.

No costs.

cse

20.09.2019



WEB COPY

K.KALYANASUNDARAM, J.
cse

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



C.S.No.315 of 2014 &
A.Nos.4928 of 2017 and 4369 of 2018

WEB COPY

20.09.2019