



WEB COPY



A.No.2012 of 2022
in A.No.6800 of 2007
in C.S.No.593 of 2003

A.No.2012 of 2022
in A.No.6800 of 2007
in C.S.No.593 of 2003

N.SESHASAYEE.J.,

The present suit is laid for partition and it is now pending for passing the final decree. In the meantime, the learned counsel for the plaintiff has informed that a third party has laid O.S.No.5113 of 2021 before the VI Assistant City Civil Court for bare injunction that the plaintiff therein is in possession of the original documents and that he shall not be disturbed by the co-sharers.

2.Be that as it may, in the course of the hearing, this Court came to understand that some third parties have obtained decree for money vis-a-vis the property involved in this litigation. In the last posting, this Court, therefore directed the plaintiffs to inform the counsel for the decree holder to be present, in order the Court may consider the possibility for consolidating all the proceedings to enable an amicable settlement of all the outstanding dispute relating to the property in question.

3.Mr.G.M.Anantha Kumar, the learned counsel for the decree holder had appeared before the Court, even though their cases are pending before the City Civil Court.



A.No.2012 of 2022
in A.No.6800 of 2007
in C.S.No.593 of 2003

WEB COPY

The learned counsel informed that sometime in 2006 one of the co-sharers of the property in the partition suit had obtained a loan of about Rs.25,00,000/- from certain Vishwakarma Builders, on depositing the title deeds of the property. Later, the lender had assigned it in favour of the third party now under reference, and handed over the title documents. Based on the same, a suit for recovery of money had been instituted by such third party against the borrower and that suit came to be decreed. Now, this decree is put to execution, wherein the entire property was initially attached by the Execution Court. The other co-sharers would now enter appearance before the Execution Court and had the attachment limited to a mere 1/8th share of the judgment debtor in that execution proceedings.

4.In the meantime, the decree holder in the said suit had also filed O.S.No.5113 of 2021 for bare injunction.

5.Today, the decree holder wants his money and the other sharers are keen to get their shares in the property.

6.This Court, with the consent of all the parties, refer the matter to Mediation for an



A.No.2012 of 2022
in A.No.6800 of 2007
in C.S.No.593 of 2003

WEB COPY

amicable settlement of all outstanding issues, both regarding the partition of the estate and also payment to the decree holder to be made by the judgment debtor / one of the co-sharers of the property.

7.This Court now refers the present suit in C.S.No.593 of 2003, O.S.No.5113 of 2021 on the file of the VI Assistant City Civil Court and E.P.No.78 of 2018 in C.S.No.1033 of 2010 pending before the Master Main to the Mediation Centre. The Parties / the counsel are required to contact the Mediation Centre by 3.00 p.m., on 15.02.2023.

8.Post the matter before this Court on 16.03.2023.

08.02.2023

Anu

N.SESHASAYEE.J.



WEB COPY



A.No.2012 of 2022
in A.No.6800 of 2007
in C.S.No.593 of 2003

Anu

A.No.2012 of 2022
in A.No.6800 of 2007
in C.S.No.593 of 2003

08.02.2023