



C.S.No.211 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.No.211 of 2022
and A.No.5877 of 2022
and O.A.No.619 of 2022

1. J.Devi Padma
2. J.Aparna
3. Master J.Arjun Sai

Minor represented by his mother and Natural Guardian J.Devi Padma (first plaintiff) ... Plaintiffs

-VS-

- 1.S.Santhakumar
- 2.S.Mohana

... Defendants

PRAYER: Complaint filed under Order IV Rule 1 of the O.S.Rules Read with Order VII Rule 1 of the CPC, prayed for a judgment and decree:-

(a) Declaring that the first to third plaintiffs are entitled to half (½) share in Item No.1 to 11 of the suit schedule properties, more fully described in the schedule of properties hereunder and pass a preliminary decree to such effect;



C.S.No.211 of 2022

WEB COPY

(b) Declaring that the first plaintiff is entitled to half ($\frac{1}{2}$) share in Item No.12 of the suit schedule property, more fully described in the Schedule of properties hereunder and pass a preliminary decree to such effect;

(c) Directing the first and second defendants to pay the costs of the suit.

For Plaintiffs : Mr.P.B.Ramanujam

For Defendants : M/s.P.M.Gopalakrishnan, P.M.Sachin

JUDGMENT

A.No.5877 of 2022 is presented on behalf of all the plaintiffs for leave to enter into a compromise on behalf of the minor third plaintiff. The suit was filed for partition by the legal heirs of the first defendant's brother. The sister-in-law of the first defendant is the first plaintiff and her children are the



C.S.No.211 of 2022

second and third plaintiffs. In accordance with the requirements of ORDER XXXII Rule 7 of CPC, the application is accompanied by a certificate issued by learned counsel for the plaintiffs stating that the compromise is in the best interest of the minor.

2. The joint memorandum of compromise is on record. The document has been duly executed by the plaintiffs, the defendants and their respective counsel. The compromise provides for the allotment of specific items of the properties described in the schedule to the joint memorandum of compromise to either the plaintiffs or the defendants. Item 2 has been allotted jointly and absolutely to all the plaintiffs. On examining the joint memorandum of compromise, there is nothing therein which is adverse to the interest of the minor. Therefore, A.No.5877 of 2022 is allowed as prayed for.

3. On close scrutiny of the terms of compromise, there is no legal impediment for the issuance of a final decree in terms of the joint memorandum of compromise.



C.S.No.211 of 2022

4. For reasons set out above, a final decree is issued in C.S.No.211 of 2022 in terms of the joint memorandum of compromise dated 22.12.2022, which shall form an integral part thereof. Consequently, O.A.No.619 of 2022 is closed. In view of the settlement, the full Court fee shall be refunded to the plaintiffs.

22.12.2022

rna

Index : Yes / No

Internet : Yes / No



WEB COPY



C.S.No.211 of 2022

SENTHILKUMAR RAMAMOORTHY,J

rna

C.S.No.211 of 2022
and A.No.5877 of 2022
and O.A.No.619 of 2022

22.12.2022