



A.S.No.479 of 2013

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and
C.M.P.No.1701 of 2018

S.S. SUNDAR, J.
and
P.B. BALAJI, J.

[Order of the Court was made by **S.S. SUNDAR, J.**]

Today, the matter is posted under the caption “for being mentioned”.

2.It is represented before this Court that the 1st appellant is no more. Since the 2nd appellant is already on record, this Court already held that there is no abatement. However, in the cause title, the death of 1st appellant is not mentioned. Office is directed to amend the cause title accordingly and issue fresh copy of the judgment to the parties concerned.

3.This Court has already examined the issue regarding the validity of the settlement deed stated to have been executed by the 1st appellant in favour of the 2nd appellant. The question raised before this Court was regarding the validity of the settlement deed with regard to the share of



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plaintiff. In other words, the character of properties is held to be joint family properties. Therefore, it is made clear that the settlement deed is valid only to the extent of the share of the 1st appellant, namely the father. Since the father has already executed a settlement deed, the 1/3rd share of the father will also go to the 2nd appellant. There is no necessity to increase the share of plaintiff.

(S.S.S.R., J.) (P.B.B., J.)
08.02.2023

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