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C.S. No.248/2010 & Tr.C.S.Nos.101 & 102 / 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.06.2023**

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.S. No.248/2010 &
Tr.C.S.Nos.101 & 102 / 2023

C.S.No.248 of 2010

1.R.Vasudevan
2. V.Jayalakshmi

... Plaintiffs

Vs.

1. R.Rajagopal
2. R.Booma

... Defendants

Civil Suit is filed under Order IV Rule 1 of O.S.Rules read with Order VII Rule 1 C.P.C. To pass a judgment and decree against the defendants

i) for partition and separate possession of their half share in the property described in schedule hereunder by metes and bounds;

ii) directing the defendants jointly and severally to pay to the plaintiffs the cost of this suit.

For Plaintiffs : Mr.R.Mukundan
For Defendants : Mr.Rahul Balaji



Tr.C.S.No.101 of 2010

1. R.Rajagopal

2. R.Booma

... Plaintiffs

Vs.

1. R.Sridharan

2. K.S.Padma Janaki

3 .R.Vasudevan

4. Sri Vishwaksena Builders Pvt.Ltd.,
Rep. by its Director, Mr.Ramabhadran
2/17, II Floor, Tilak Street,
Chennai – 600 017.

... Defendants

Civil Suit is filed under Order IV Rule 1 of O.S.Rules read with Order VII Rule 1 C.P.C. to pass a judgment and decree;

i) of a permanent injunction, restraining the defendants, their men, servants, agents, employees or any persons claiming through or under them from in any manner alienating or dealing with the 1/3rd share of first and second defendants in the suit schedule property;

ii) of a permanent injunction, restraining the defendants, their men, servants, agents, employees or any persons claiming through or under them for in any manner interfering with the law possession and enjoyment of the suit schedule property by the plaintiffs;

iii) to pay the cost of this suit.

For Plaintiffs : Mr.Rahul Balaji

For Defendants : Mr.R.Mukundan



Tr.C.S.No.102 of 2010

1. R.Sridharan
2. K.S.Padma Janaki

... Plaintiffs

Vs.

1. R.Rajagopal
2. R.Booma

... Defendants

Civil Suit is filed under Order IV Rule 1 of O.S.Rules read with Order VII Rule 1 C.P.C. to pass a judgment and decree;

i) for partition and separate possession of the property described in Schedule hereunder by metes and bounds and hand over 1/3rd share in the property to the plaintiffs herein;

ii) directing the defendants to pay a sum of Rs.3,60,000/- being the plaintiffs' share in the rental income from the property described in Schedule hereunder from 01.10.2006 till date of plaint;

iii) directing the defendants to render true and proper accounts of the rental income received from the property described in Schedule hereunder and pay over 1/3rd share to the plaintiffs herein from the date of plaint till date of delivery of possession of the plaintiff's share in the plaint schedule property;

iv) directing the defendants jointly and severally to pay to the plaintiffs the costs of this suit.

For Plaintiffs : Mr.Rahul Balaji
For Defendants : Mr.K.Ganesan



COMMON JUDGMENT

WEB COPY On 05.06.2023 this Court has passed the following order:

“ Mediation report received by stating that the mediation completed and the parties have also arrived at an agreement as seen in the terms of compromise.

2. The learned counsels for both sides submitted that there are connected suits pending in O.S.Nos.1950 & 1951 of 2021 before VI Additional City Civil Court, Chennai.

3. By virtue of an order dated 19.01.2023, this Court passed a suo motu order to withdraw the suit proceedings in O.S.Nos.1950 & 1951 of 2021 pending on the file of VI Additional City Civil Court, Chennai and transfer it to the file of this Court and list it along with C.S.No.248 of 2010.

4. It is seen that so far the case records of the above suits have not been received and listed. Hence, the Registry is directed to take immediate steps to call for the said case records pursuant to the order of this Court dated 19.01.2023.

5. Since the learned counsels for both sides submitted that the subject matter in O.S.Nos.1950 & 1951 of 2021 have also been settled, all the three suits are ordered to be listed under the caption “for reporting settlement” on 14.06.2023. ”

2. In compliance of the above direction, the records relating to the suits in O.S.Nos.1950 & 1951 of 2021 pending on the file of VI Additional City Civil Court, Chennai have been called and the same are renumbered as Tr.C.S.Nos.101 and 102 of 2023.



3. The suits in C.S.No.248 of 2010 and Tr.C.S.No.102 of 2023 are filed for partition. The claim made in both the suits have been settled between the parties in terms of the settlement agreement dated 24.04.2023 arrived between the parties before the Mediator.

4. Tr.C.S.No.101 of 2023 has been filed for permanent injunction. In view of the settlement arrived in C.S.No.248 of 2010 and Tr.C.S.No.102 of 2023 the other suit in Tr.C.S.No.101 of 2023 has become infructuous.

4. Accordingly, the suits in C.S.No.248 of 2010 and Tr.C.S.No.102 of 2023 are decreed in terms of the settlement agreement and the suit in Tr.C.S.No.101 of 2023 is dismissed as infructuous. No costs. The settlement agreement shall form part of the decree.

21.06.2023

Index : Yes/No
Speaking Order : Yes / No
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C.S. No.248/2010 & Tr.C.S.Nos.101 & 102 / 2----

R.N.MANJULA, J.,

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C.S. No.248/2010 &
Tr.C.S.Nos.101 & 102 / 2023

21.06.2023