



WEB COPY

C.S. No.50 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **03.08.2023**

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.S. No.50 of 2023

M.Nowshed

... Plaintiff

Vs.

1. M.Jawahar
2. Rasheedha Basha
3. Syed Abuthahir
4. A.Razia Sultana
5. A.Syed Ahmed Kabir
6. Munir Jani
7. Syeda Muzheer Jani
8. Mubeen Sultana

... Defendants

Civil Suit is filed under Order IV Rule 1 r/w. Order XXIV of OS Rules r/w. Order VII Rule 1 of C.P.C. prays for judgment and decree:

a) partition and separate possession of 1/3rd share to the plaintiff in Schedule “A” & “B” properties in accordance with the Memorandum of Family Arrangement dated 29.01.2022;

b) Costs to the suit.

For Plaintiff	:	Mr.C.Suraj
For Defendants	:	Mr.S.Udhayakumar



JUDGMENT

A report is received from the mediation centre by stating that the mediation is completed and the parties have arrived at a settlement between themselves in accordance with the terms of the Memorandum of Settlement and the same is enclosed along with the mediation report.

2. Today when the matter is taken up, the plaintiff is present through Video Conference and he is identified by the learned counsel for the plaintiff. The defendants 1, 2 & 8 are also present. The defendants 3, 4 & 5 are represented through their power agent the first defendant Mr.M.Jawahar. The defendants 6 and 7 are represented through their power agent the 8th defendant.

3. A Memorandum of Family Settlement dated 26.07.2023 has been filed by duly affixing the signatures of plaintiff, D1 for himself and on behalf of D3, D4 & D5, D2 for herself, D8 for herself and on behalf of D6 and D7. The parties have been identified through their respective counsels. The respective counsels of the parties have also subscribed their signatures on the Memorandum of Family Settlement.



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4. When enquired, the parties have stated that they have affixed their signatures in the Memorandum of Family Settlement voluntarily after fully agreeing to its terms. The said Memorandum of Family Settlement is recorded.

5. In view of the above, the Civil Suit is decreed as settled out of Court in terms of the Memorandum of Family Settlement dated 26.07.2023. The terms of Memorandum of Family Settlement shall form a part of the decree. The plaintiff is entitled to the refund of Court fee as per the Judgment of the Hon'ble Supreme Court in ***“The High Court of Judicature at Madras Vs. M.C.Subramanian and others”*** in ***S.L.P.Nos.3063 & 3064 of 2021*** dated 17.02.2021. No costs.

03.08.2023

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

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