



C.S.NO.140 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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P.Rajeshwari

.. Plaintiff

Versus

1.P.Lakshmi

2.P.Pushparaj

3.P.Chakravarthy

S/o. Late T.V.Pandian

No.11/1, Alagiri Nagar V Street,

Vadapalani, Chennai – 600 026.

Represented by Court appointed Guardian

Ms.Revathi Manivannan

(MS No.2144/2012)

No.225, Law Chamber, High Court,

Chennai – 600 104.

(Amended as per order dated 21.02.2023

passed in Application No.346 of 2023)

.. Defendants

PRAYER: Plaintiff filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of Civil Procedure Code praying for a judgment and decree as follows:



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(a) Pass a preliminary decree declaring that the plaintiff is entitled for 1/4th share in the suit properties;

(b) Pass a final decree in accordance with the preliminary and divide the 1/4th share of the plaintiff in the suit properties by metes and bounds and put the plaintiff in possession of the same;

(c) Pass such other further order or orders deemed fit to the facts and circumstances of the case;

(d) Award the cost of the suit.

For Plaintiff : Mr.P.Sesubalan Raja

For Defendants : Set *exparte*
1 & 2

For Defendant 3 : Ms.Revathi Manivannan

J U D G M E N T

The Suit is filed for partition of the Suit properties.

2. The plaintiff and the defendants are the children of one Pandian. The father of the plaintiff died on 29.10.2010 leaving behind him,



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his wife Tmt.Saroja, 3 daughters, namely the plaintiff, first defendant and Megala and two sons, namely second and third defendants. The mother of the plaintiff also died on 18.12.2021. The third defendants is a mentally ill person and he is not able to look after his own needs. The third defendant is represented by the Guardian appointed by this Court. Hence, the plaintiff sought partition of the Suit properties in the hands of the first defendant.

3. The plaintiff has filed proof affidavit and marked 11 documents as Exs-P.1 to P.11. The documents viz., Exs.P6, P8, P9, P10 and P11 are the certified copies of revenue records to show right in the Suit properties, the revenue records reflects the mutation.

4. Considering the above, as the first and second defendants remained *exparte* and have not contested the Suit and the evidence of the plaintiff remains unchallenged, this Court is satisfied that the plaintiff is entitled to the decree as prayed for.



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5. Accordingly, a preliminary decree is passed for partition of the Suit properties into four equal shares and the plaintiff is entitled to 1/4th share and all other defendants are also entitled to 1/4th share each, on payment of Court Fee as required under law. Considering the relationship between the parties, there shall be no order as to costs.

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N.SATHISH KUMAR, J.

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