



C.S.No.677 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

C.S.No.677 of 2015

1.S.M.Shameem
2.M.Thaiba Beevi

... Plaintiffs

Vs.

1.Mohideen Fathima
2.S.M.Waheetha Banu
3.N.Sheik Mohamed

... Defendants

Prayer: The Civil Suit has been filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of C.P.C praying to pass a decree and judgment

(a) for passing of preliminary decree for partition of the “A” schedule mentioned properties and allot 1/3rd share of the 1st plaintiff in each of the items of plaint “A” schedule properties, by metes and bound and with reference to value thereof and put the 1st plaintiff into separate possession thereof;

(b) for passing of preliminary decree for partition of the “B” schedule mentioned properties and allot 7/24 share of the 1st plaintiff and 3/24 share of the 2nd plaintiff in each of the items of plaint “B” Schedule properties, by metes and bounds and with reference to value thereof and put the plaintiffs



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into separate possession of their respective shares thereof;

(c)for appointment of an Advocate Commissioner to divide the suit properties and allot the share of the plaintiffs as per the preliminary decree being passed;

(d)directing the defendants 2 and 3 to furnish the accounts relating to the business M/s.S.M.Moosa & Co, more fully described in the “C” schedule hereunder and pay the 1st plaintiff's share in net profit, stock in trade and goods kept therein.

(e)for permanent injunction restraining the defendants, their men, agents, servants and anyone claiming through them from alienating or encumbering the “A” & “B” schedule mentioned properties by sale, mortgage, settlement etc., or in any other manner till the effectuation of the partition of the “A” & “B” schedule mentioned properties;

(f)for permanent injunction restraining the defendants, their men, agents, servants and anyone claiming through them from interfering with the possession of the 1st plaintiff and disturbing the tenants under the control of the 1st plaintiff in Item No.1 of “A” schedule mentioned property i.e. the rear side flat in Ground Floor (with E.B. Service Connection No.163-012-481) and rear side flat in First Floor (with E.B. Service Connection No.163-012-498) at Door No.116, “L” Block, 17th Street, Anna Nagar East, Chennai

600102 till the effectuation of the partition of the “A” & “B” schedule mentioned proper and for costs.



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For Plaintiffs : Mr. V.Meenakshi Sundaram

For Defendants : Ms.S.Hemalatha for D2 and D3

JUDGMENT

The Mediation efforts have been successful and the parties have very amicably resolved their outstanding dispute involved in this litigation. Formal agreement was also signed before the Mediator. The said report of the Mediator along with the signed agreement of the parties are also made available.

2.This Court perused the agreement and finds that it is legal and valid.

3.In terms of the agreement so arrived, the suit is decreed. The settlement agreement dated 23.01.2023 is made part of the decree. The Registry is required to refund the Court fee as per law. No costs.

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N.SESHASAYEE, J.

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