



C.S.No.903 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM

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

C.S.No.903 of 2016

Kamala Muthiah

... Plaintiff

Vs.

1.M.Ct.P.Chidambaram

2.Arti Ghai

@ Arti Meenakshi Muthiah

3.NandhiniValli

... 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 judgement and decree as against the defendants:-

(a) for effecting division of the suit Schedule "D" property into three shares by metes and bounds and allocate Item-1 of Schedule "E" appended to the plaint to the plaintiff and Item-2 of Schedule "E" appended to the plaint to the defendants 2 and 3 jointly and Schedule "C" to the 1st defendant;

(b) for mandatory injunction directing the defendants to secure independent and separate water and sewerage power supply and electricity connections in respect for the portions so allotted to the defendants and the plaintiff by



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making such deposit/s in their respective names;

(c) for a permanent injunction restraining the defendants or their agents or servants or anyone claiming under or through them from in any manner interfering with the rights of the plaintiff to lease out the suit property, more fully described in Schedule "B" hereunder;

(d) for a permanent injunction restraining the defendants or their agents or servants or men or anyone claiming under or through them from encumbering or alienating or dealing with the suit property in favour of any third party either by way of sale, lease, mortgage or in any other manner whatsoever in respect of their undivided share in Schedule "B" property, more fully described in Schedule "C" and Schedule "D";

(e) for a declaration that the plaintiff and the defendants are entitled for the rights of pre-emption to purchase the shares of the defendants by virtue of the clause contained in the partition deed dated 12.10.2005 and registered as Document No.2820 of 2005 in the office of the Sub Registrar, Periamet and Registration District of Chennai-Central and for costs.

For Plaintiff : Mr.R.Thiagarajan

JUDGMENT

The parties have amicably settled the matter before Mediation. Besides the suit, there are other litigations outstanding between the parties, some of the suits have been compromised and were initiating for settlement by the



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Hon'ble Supreme Court. This is one suit in the group of suits that have been settled between the parties. Based on the settlement arrived, the plaintiff withdraws the suit. A Memo dated 23.11.2022 to that effect is filed and the same is recorded.

3.The suit is therefore dismissed as withdrawn. The Registry is required to refund the Court fee as per law. No costs.

01.02.2023

Anu



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N.SESHASAYEE, J.

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