



WEB COPY



C.S. No.68 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMARRAMAMOORTHY

C.S. No.68 of 2018
and
A.Nos.2527 & 2528 of 2022

Mrs.G.Jothi,
New No.339, Old No.211, Periyar EVR High Road,
Aminjikarai, Chennai-600 029.

... Plaintiff

VS.

- 1.Mrs.D.Shanthi,
No.301, 3rd Floor, Deepa Block,
Chitra Avenue, Choolaimedu,
Chennai-600 094.
- 2.Mrs.D.Sivagamasundari,
No.7, New Manjunatha Layout,
Kowdeanahalli, Ramamoorthy Nagar,
Bengaluru, Karnataka State.
- 3.Selvi.C.Yuvashree, Minor aged 14 years,
represented by Father and natural
guardian Dr.Chinnathambi Natarajan,
No.323, Bharathi Street,
Nataraja Thirumana Mandapam,
Pondicherry-605 001.
(3rd Defendant is declared as major and
discharged the Court Guardian M/s.Vasudha
Thiagarajan, Advocate by order dated
01.10.2021 in A.No.3540 and 3541 of 2021)



C.S. No.68 of 2018

WEB COPY

4. Dr.Chinnathambi Natarajan,
No.323, Bharathi Street,
Nataraja Thirumana Mandapam,
Pondicherry-605 001.

... Defendants

PRAYER: Plaintiff filed under IV Rule 1 of Original Side Rules and Order VII Rule 1 of Civil Procedure Code, prayed for Judgment and Decree:-

(a) declaring the Plaintiff's 1/4th share in Item Nos.1, 2 and 3 of the Schedule properties morefully set out in the schedule hereunder and put the Plaintiff in separate possession of her 1/4th share by dividing the schedule properties Item Nos.1, 2 and 3 by metes and bounds.

(b) Directing the First and Second Defendants to pay to the Plaintiff the sum of Rs.4,58,671/- towards Plaintiff's share of rental income from August 2016 to November 2017.

(c) Directing the First and Second Defendants to pay to the Plaintiff the sum of Rs.40,000/- per month towards Plaintiff's share of future rental income from the date of filing till final adjudication.

(d) to pay the cost of the suit.



WEB COPY



C.S. No.68 of 2018

For Plaintiff : Mr.T.Raja Mohan

For Defendants : Mr.K.Bijai Sundar for D1 & D2
No appearance for D3 & D4

J U D G M E N T

The suit was filed to declare the plaintiff's 1/4th share in item Nos.1, 2 and 3 of the suit schedule properties and for monetary relief against the 1st and 2nd defendants. All the suit schedule properties are in the name of G.Dhandapani, whose mother, wife and daughter are the plaintiff, 1st and 2nd defendants, respectively.

2. Upon reference to the Mediation Centre annexed to this Court, the plaintiff, on the one hand, and the 1st and 2nd defendants, on the other, have drawn up a Memorandum of Compromise dated 25.01.2023. The 3rd and 4th defendants did not participate in the mediation proceeding. In the memorandum of compromise, the non-participation of the 3rd and 4th defendants has been dealt with in paragraph 5 thereof, which reads as under:

“5. As the Third and the Fourth Defendants have



WEB COPY



C.S. No.68 of 2018

not chosen to make any claim or contest the suit proceedings either in person or their counsels M.V.Vijaya Basker, N.Fidelia and D.M.Sankaranathan who have filed their vakalath on their behalf and in the event of either of them challenging this Partition, both the Plaintiff on one side and the First and Second Defendants on the other, would be equally responsible.”

3. In the Memorandum of Compromise, Item No.3 of the suit schedule property has been allotted to the plaintiff and Item Nos.1 and 2 have been allotted jointly to the 1st and 2nd defendants. The parties have agreed to bear the requisite court fees on the basis of the terms of compromise.

4. Upon examining the Memorandum of Compromise, I see no legal impediment to the issuance of a decree in terms thereof.

5. Accordingly, C.S. No.68 of 2018 is decreed in terms of the Memorandum of Compromise dated 25.01.2023. The said Memorandum of Compromise shall form an integral part of this decree. In view of the settlement, there shall be no order as to costs. Consequently, A.No.2527 and 2528 of 2022 are closed.



C.S. No.68 of 2018

WEB COPY

07.02.2023

Index : Yes / No

Internet : Yes / No

kal

SENTHILKUMAR RAMAMOORTHY,J

kal



WEB COPY



C.S. No.68 of 2018

C.S. No.68 of 2018
and
A.Nos.2527 & 2528 of 2022

07.02.2023