



C.S.No.232 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S.No.232 of 2022
and O.A.No.679 of 2022

K.Balasubramanian

... Plaintiff

-VS-

1.A.Girija

2.Dhanalakshmi

3.A.Palanivel

... Defendants

PRAYER: Complaint filed under Order IV Rule 1 of the O.S.Rules Read with Order VII Rule 1 of the CPC, prayed for a judgment and decree:-

(a) Passing a Preliminary Decree for Partition, declaring the Plaintiff's 50% share in the schedule property, more fully set out in the 'Schedule of Property' hereunder;

(b) Directing the Defendants to pay the costs of the suit.



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For Plaintiff : Mr.P.B.Ramanujam
For Defendants : M/s.V.M.Ravishankar

JUDGMENT

The suit was filed for partition of the property described in the schedule to the plaint and for the declaration of the plaintiff's 50% share therein.

2. The plaintiff states that he is the son of the late Kuppuswamy Chettiar. The first defendant is the wife of K.Annamalai, the deceased son of late Kuppuswamy Chettiar and the second and third defendants are the children of the first defendant and the late K.Annamalai. The suit was laid on the basis that the plaintiff is entitled to 50% share in the schedule mentioned property as a Class I legal heir of the late Kuppuswamy Chettiar.

3. Upon being served with suit summons, the defendants entered appearance through counsel and filed a memo dated 19.01.2023, which is signed by all three defendants and their counsel. In the said memo, the defendants have stated that they do not dispute the plaintiff's 50% share in



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the suit schedule property. The defendants state, however, that they desire that their 50% share in the suit schedule property also be declared. They have further stated that they have paid the necessary Court fee in such regard.

4. In the light of the above memo, there is no impediment for the issuance of a preliminary decree declaring the shares of the plaintiff and the defendants, respectively. All the parties are present-in-person.

5. In the result, a preliminary decree is issued declaring the plaintiff's 50% share in the suit schedule property and the defendants 50% share therein. It is open to the parties to file an appropriate application for the appointment of an advocate commissioner and issuance of a final decree. In view of the above, nothing survives for consideration in O.A.No.679 of 2022 and the said application is closed.

25.01.2023

rna

Index : Yes / No

Internet : Yes / No



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