



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.761 of 2018

1.Jacintha Selvaraj
2.Lissie Lawrence

.. Plaintiffs

Versus

1.T.Aloysius Raj (Deceased)

2.M/s.India Builders
Represented by its Managing Director
having their office at AA-36
3rd Main Road, 3rd Street, Anna Nagar
Chennai – 600 040

3.Yacintha Antoniett Therese Aloysius
4.Shirley Ida Maria
5.Julian Antony Rajesh

.. Defendants

(Defendants 3 to 5 brought on record as legal heirs of the deceased 1st defendant as per order dated 08.02.2022 in A.No.430 of 2022)

Civil Suit filed under Order IV Rule 1 of High Court O.S. Rules 1956

read with Order VII Rule 1 of CPC for the following reliefs:



a) to pass a preliminary decree for partition in favour of the plaintiffs allotting each 1/3th share in the suit schedule mentioned property by separate possession.

b) to grant permanent injunction restraining the first and second defendant, their men, agents, representatives and any other persons claiming under them from encumbering, alienating, dealing, changing nature, creating charge over the suit property without partition the same;

c) to pass a final decree by appointing an Advocate Commissioner to effect a convenient division of the suit schedule mentioned property and allot each 1/3rd share by metes together with possession and bounds in favour of the plaintiffs;

d) to order the defendants jointly and severally to pay the costs of the suit;

For plaintiffs : Mr.D.Senthil Kumar

For defendants : Mr.T.V.Vineeth Kumar for D2

Mr.Najeeb Usman Khan for D3-D5

JUDGMENT



The learned counsel for the plaintiffs submitted that the matter has been settled between the parties and sought permission of this court to withdraw the suit as settled out of Court. Memo is also filed to that effect and the same is taken on record.

2. In view of the submission of the learned counsel for the plaintiffs and the memo filed before this Court, this suit is dismissed as settled out of Court. Registry is directed to return the Court fee as per Rules. No costs.

16.10.2023

dhk



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N.SATHISH KUMAR, J.

dhk

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