



WEB COPY

C.S.No.879 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR. JUSTICE P.B.BALAJI

C.S. No.879 of 2001

Mr.A.C. Buhari alias Abdul Cader Buhari

...Plaintiff

Vs.

- 1.M.Farook Buhari
 - 2.Haja Mohideen Buhari (Deceased)
 - 3.Mr.Zubaida Hameed
 - 4.Mrs.Maimoon Jamal Buhari
 - 5.Mrs.Mumtaz Buhari
 - 6.Thahira Begam
 - 7.Haja Basheer
 - 8.Anwar Mured
 - 9.Imtiaz
 - 10.Shamsheer
 - 11.Fazalath
 - 12.Jabeen
 - 13.Farzana
 - 14.Zeenath Munofara
 - 15.R.Shanara
 - 16.M/s.Buhari Sons Pvt. Ltd.,
 - 17.Administrator General and
Official Trustee of Madras.
 - 18.Mrs. Nathira Haj Buhari
 - 19.Jahanara Begum
 - 20.Suthi Asiqu Buhari
 - 21.Nawaz Buhari
- (Defendants 18 to 21 are impleaded
as per the order dated 05.03.2003)

...Defendants



PRAYER: The Complaint filed under Order IV Rule 1 of High Court Original Side Rules read with Order VII Rule 1 of CPC praying to pass a judgment and decree against the defendants:-

(1) Declare that the plaintiff is the absolute owner of the properties described in 'C' schedule and consequential injunction restraining the defendants 1 & 7 to 11 from interfering with his lawful possession of 'C' schedule properties.

(2) For partition and separate possession and plaintiff's 2/9th share in the A schedule properties according to Mohammedan Law and put the plaintiff in separate possession of his 2/9th share in 'A' schedule as co-owner in joint possession in 'A' schedule property.

(3) Partition and separate possession of plaintiff's 2/9th share in 'B' schedule property and put him in separate possession of his 2/9th share in 'B' schedule properties and he is in possession as a co-owner as per Mohammedan Law.

(4) To direct the defendants 1, 7 to 10 to render accounts in respect of 'A' & 'B' schedule properties ever since the death of A.M.Buhari and pay the plaintiff's 2/9th share in the 'A' & 'B' schedule properties till the plaintiff is put in possession of his lawful share.

(5) To appoint an Advocate Commissioner to take an inventory of all the properties (i.e.) buildings and business in respect of 'A' & 'B' schedule properties and seize all accounts and documents in Business places described in 'A' and 'B' schedule and to ascertain the rental income derived from properties described in 'A' & 'B' schedule.

(6) To appoint a receiver to take possession of business & Buildings



and collect day to day income and deposit them in the Banks to be specified by this Court till the disposal of the case.

WEB COPY

7. To appoint an auditor to take accounts of 'A' and 'B' schedule property ever since the death of A.M.Buhari.

8. Injunction restraining the defendants 1, 7 to 10 from entering the 'A' and 'B' schedule properties and collecting income either from business or buildings described in 'A' and 'B' schedule till the disposal of the case. Since defendants 7 to 15 have no share in 'A' and 'B' schedule property.

9. For a mandatory injunction to direct administrator general and official Trustee of Madras to take action against the defendants 1 & 7 from forging plaintiffs signature in the Lease Deed in respect of lands at P.V.S. And Buhari complex, EVR Salai and direction to continue the Lease.

10. Costs of the suit.

For Plaintiff : Mr.S.Mahaveer Shivaji

For defendants : Mrs.R.Ramya for
D1, 3 to 5, 7, 8, 10 to 15, 18 to 21.
Mr.Abdul Nazeer for D9 & D16
Mr.A.Vijayakumar for D17

JUDGMENT

The learned counsel for the plaintiff and defendants represented for the parties have appeared before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras from 11.12.2023 to 21.02.2024 and in the Mediation, the parties have successfully arrived at compromise, terms of which have been reduced to writing by way of Settlement



Agreement. The said settlement agreement is placed before this Court, signed by the plaintiff and the defendants and counter-signed by their respective counsel.

2.The settlement has been arrived at between the parties is extracted below:

“ (A) The Family Arrangement/Settlement had been entered into among the parties on 06.04.2002, amicably acted upon and given effect o by all the concerned parties including the plaintiff.

(B) Now all the parties including the Plaintiff and the Defendants in the suit have consented for the Family Arrangement/Settlement dated 06.04.2202 and agreed to and acted upon the same.”

3. In view of the above, the suit is decreed in terms of the Settlement Agreement dated 21.02.2024, which shall form part of the decree. Refund of Court fee as applicable as ordered in the name of the learned counsel for the plaintiff. No costs.

02.04.2024

Index :Yes/No
Internet : Yes/No
Neutral Citation :Yes/No.
Speaking order/Non-speaking order



WEB COPY

C.S.No.879 of 2



P.B.BALAJI, J,

rkp

C.S. No.879 of 2001

02.04.2024