



C.S.No.63 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.S.No.63 of 2024

and

O.A.Nos.205 & 206 of 2024

Dhivya Rathna
W/o.S.Saravanan
Ground Floor, No.6, Dhandayuthapani Nagar
1st Street, Kotturpuram
Chennai 600 085

... Plaintiff

Vs.

1.Kumudha Rathna
D/o.Dr.S.T.Rathnasabapathy
2nd Floor, No.6, Dhandayuthapani Nagar
1st Street, Kotturpuram
Chennai 600 085

2.S.Sugirdha Rathna
W/o.K.Selvaraj
No.56, Mandaveli Lane
(Next to Mandaveli Market)
Mylapore, Chennai 600 028

... Defendants

Prayer: Plaint filed under Order IV Rule 1 of Original side Rules read with Order VII Rule 1 of CPC, (a) For a Decree of mandatory injunction directing amalgamation of the three properties covered by Settlement Deeds from 14.08.1981, 14.08.1981 and 27.08.1981 and registered as Document Nos.



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2043/1981, 2044/1984 and 2073/1987 at SRO T.Nagar and the lands of Dr.S.T.Rathanasabapathy described in Schedule "A" into one unit thereby divide the properties by metes and bounds into three units by allocating 1236 sq.ft. in favour of the first defendant, 1580 sq.ft. in favour of the second defendant and 1536 sq.ft. in favour of the Plaintiff;

(b) Pass a preliminary decree for partition and separate possession in respect of the suit schedule B and C property hereunder into three equal parts and allocate 1/3rd share to the Plaintiff on a date to be fixed by this Court;

(c) Directing the Defendants 1 and 2 to render true and proper accounts of the income and expenditure derived from the property more fully described in Schedule-B hereunder and allocate 1/3rd share of the income derived there from to the Plaintiff;

(d) Directing the Defendants 1 and 2 to pay Rs.25,000/- towards past as well as future mesne profits of the income at Rs.25,000/- p/m derived from the property more fully described in Schedule-B hereunder by metes and bounds;

(e) Grant a decree for permanent injunction restraining the defendants, their men, agents, servants or any other person or persons claiming through them from in any manner encumbering, alienating or dealing with the suit schedule A items 1,2,3,5, B and C mentioned properties either by way of sale, mortgage, lease, joint development or in any other manner detrimental to the interest of the Plaintiff;

(f) Grant such further or other relief as this Court may deem fit and proper in the circumstances of the case;

(g) Costs of the suit.



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For Plaintiff : Mr.R.Thiagarajan
For Defendants : Mr.V.Praveen Kumar (for D1)
Mr.J.Antony Jesus (for D2)

JUDGMENT

When the matter is taken up for hearing, learned counsel for the respective parties represented that the matter has been settled before the Tamil Nadu Mediation and Conciliation Centre.

2.The Assistant Registrar, Tamil Nadu Mediation and Conciliation Centre, High Court forwarded the Report of the Mediator, Tamil Nadu Mediation and Conciliation Centre, High Court dated 18.09.2024 along with Settlement agreement (with Annexures I to IV) dated 18.09.2024 signed by respective parties and their respective learned counsel.

3.In view of the settlement arrived between the parties this Suit is decreed in terms of the Settlement Agreement dated 18.09.2024 entered between the parties. The said Settlement Agreement dated 18.09.2024 shall form part of the decree. The Registry shall draft the final decree, appending the sketches annexed with the Settlement Agreement dated 18.09.2024. No costs.



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Consequently, connected Applications viz., O.A.Nos.205 & 206 of 2024 are closed.

20.09.2024

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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RMT.TEEKAA RAMAN.J,

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and
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