



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

C.S.No.106 of 2024

and

A.No.3264 of 2024

and

O.A.No.332 of 2024

M.Sivaraman

.. Plaintiff

/versus/

1.M.Prema

2.M.Ambalavanan

3.D.Lakshmi

.. Defendants

This Civil Suit is filed under Order IV Rule 1 of the Madras High Court Original Side Rules read with Order VII Rule 1 of CPC, prayed for a judgment and decree against the Defendants:-

a).For a partition and separate possession of the plaintiff's 1/4th share in the schedule A to F properties;

b).To divide the suit schedule A to F properties by metes and bounds and to deliver the plaintiff his 1/4th share in the suit schedule A to F properties;

c).For costs of the suit.



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For Plaintiffs : Mr.S.Vasudevan

For Defendants : Mr.V.Manisekaran

JUDGMENT

The suit had been filed seeking partition and separate possession of the properties, which is described in the schedule to the plaint. The plaint contains Schedules A, B, C, D, E and F, and all of them are landed properties.

2.The plaintiff, son of the 1st defendant and the 2nd and 3rd defendants, son and daughter of the 1st defendant are present in Court.

3.Application No.3264 of 2024 has been filed seeking to take on record the Joint Compromise Memo dated 01.07.2024 and to pass final decree in the suit in accordance with the Joint Compromise Memo entered into among the parties.

4.It is stated that the plaintiff and the 2nd defendant are residing



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together and the mother is also residing with them in schedule D property.

5. According to the compromise of the terms, which had been presented and the terms of which had been elucidated by the learned counsels for the plaintiff and the defendants, the plaintiff and the 2nd defendant would be entitled to an equal share in the properties described in schedule A and D and so far as schedule F is concerned, it being vacant land, both the plaintiff and the 2nd defendant are entitled to a share in equal proportions in that particular land. The properties described in schedule B and E are to devolve on to the 2nd defendant absolutely. The property described in schedule C is to devolve on to the plaintiff absolutely. This leaves out the 1st and 3rd defendants, the mother and the daughter.

6. It is stated that the mother would be taken care of by the plaintiff and the 2nd defendant and to ensure that, she had been granted life interest in the schedule D property with right to reside in that property till her lifetime.

7. It is hoped that the plaintiff and defendants who have now



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entered into compromise would also ensure that they do not withdraw from this particular commitment of taking care of their mother in her more advanced age.

8.The 3rd defendant is the daughter who not been allotted any property, but it is stated that she had been paid cash of Rs.25/- Lakhs and the 3rd defendant who is present in Court also stated that a different property had been built up which is commercial in nature and had been allotted to her. That property is not the subject matter of the present suit.

9.The plaintiff and the three defendants are present in Court and they have understood the terms of the compromise.

10.Taking into consideration the nature of compromise entered, which gives a share practically to every member of the family and the interest of the mother is also protected till her lifetime, the compromise memo is taken on record and a decree is passed in the suit in accordance with the terms of the joint compromise memo.

11.It must also be stated that the joint compromise memo had also been signed by the learned counsel for the plaintiff and the defendants.



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12.In the result,

i).A.No.3264 of 2024 is allowed.

ii)The suit decreed as above. The compromise memo shall form part of the decree

iii).In view of the relationship among the parties, no costs.

iv).Connected Original Application stand closed.

04.07.2024

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Neutral citation : Yes / No
Index : Yes / No
Speaking order : Yes / No

C.V.KARTHIKEYAN,J.

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