



A.S(MD)Nos.81 and 169 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE L. VICTORIA GOWRI**

A.S(MD)Nos.81 and 169 of 2015
and
M.P(MD)No.1 of 2015

A.S(MD)No.81 of 2015:

Geetha ... Appellant/4th defendant

Vs.

1.Rajendran
2.Prabakaran ... Respondents 1 & 2/Plaintiffs

3.Raghupaty
4.Boopathy
5.Kasthuri ... Respondents 3 to 5/defendants 1 to 3

Prayer: Appeal filed under Section 96 r/w Order 41 Rule 1 of Code of Civil Procedure, against the judgment and decree, dated 30.06.2014 made in O.S.No.82 of 2009 on the file of I Additional District Court-cum-PCR Court, Thanjavur District, Thanjavur.



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For Appellant : Mr.G.Gomathi Sankar

For R-1 & R-2 : Mr.P.Santhana Krishnan

A.S(MD)No.169 of 2015:

1.Kasthuri ... Appellant/3rd defendant

Vs.

1.Rajendran
2.Prabhakaran
3.Ragupathy
4.Poobathy
5.Geetha

... Respondents/Plaintiffs 1 & 2 and
Defendants 1, 2 and 4

Prayer: Appeal filed under Section 96 r/w Order 41 Rule 1 of Code of Civil Procedure, against the judgment and decree, dated 30.06.2014 made in O.S.No.82 of 2009 on the file of I Additional District Court-cum-PCR Court, Thanjavur District, Thanjavur.

For Appellants : Mr.P.Sesubalan Raja
For R-1 & R-2 : Mr.P.Santhana Krishnan
For R-5 : Mr.G.Gomathi Sankar



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COMMON JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

The two defendants in a suit for partition in O.S.No.82 of 2009 on the file of the I Additional District Court-cum-PCR Court, Thanjavur District, Thanjavur, have come forward with these two appeals.

2. The suit was laid for partition of 1/4th share in the suit properties and the trial Court passed a preliminary decree for 1/4th share. These defendants/appellants herein contended that the plaintiffs would be entitled only for 1/6th share. For this differential share, these appeals were filed.

3. The matter was referred for mediation and it was concluded successfully. The parties were also entered into an agreement dated 03.06.2024 and it is made as part of the records. In terms of the agreement, the plaintiffs/respondents 1 and 2 in these appeals agreed for 1/6th share in the suit properties.



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4. Accordingly, these appeals are allowed in terms of the agreement dated 03.06.2024. This Court is informed that the appellants/defendants have paid the Court fee for their share and their 1/6th share in the suit properties is also declared. No Costs. Consequently, connected Miscellaneous Petition is closed.

(N.S.S., J.) (L.V.G., J.)
14.06.2024

NCC : Yes/No
Index : Yes/No

PM

To

1.The Judge,
I Additional District Court-cum-PCR Court,
Thanjavur District, Thanjavur.

2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

PM

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