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C.S.No.505 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 07.07.2025**

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN**

C.S.No.505 of 2012

Mrs.M.Shanthi

... Plaintiff

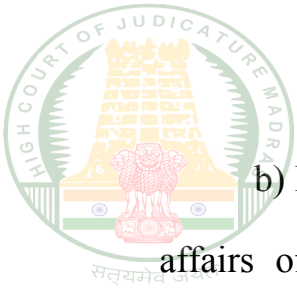
Vs.

1.M.Umashankar  
2.M.Thanigaivelu  
3.M.Duraibabu  
4.Mrs.R.Thenmozhi  
5.M.Banumathy  
6.Merit Book House,  
Rep. by its Authorised Signatory,  
A.P.642, 49th Street,  
9th Sector,  
K.K.Nagar,  
Chennai 600 078.

... Defendants

**PRAYER:** Complaint filed under Order VII Rule 1 C.P.C r/w Order IV Rule 1 of Original Side Rules, praying for the following judgment and decree as against the defendants;

a) for partition by metes and bounds of Schedule "A" to Schedule "E" properties and hand over physical vacant possession of 1/6th share of each property;



b) Directing the defendants 1 to 3 to render a true and proper accounts the affairs of the 6th defendant from the date of death of N.Manickam, i.e., 03.08.2010 and also value the goodwill of the 6th defendant and hand over 1/6th share.

c) directing defendants 1 to 3 to pay the plaintiff 1/6th of the amount lying in Fixed Deposit with State Bank of India, K.K.Nagar Branch and Indian Bank, M.G.R. Nagar Branch and Rs.1.5 lakhs in Fixed Deposit with Royapettah Benefit Fund;

d) cost of the suit.

For Plaintiff : M/s.A.M.Kailasam & Associates

For Defendants : Ms.A.Vinupradha for D4

### **JUDGMENT**

This Suit has been filed seeking partition by metes and bounds of Schedule "A" to Schedule "E" properties and hand over physical vacant possession of 1/6th share of each property; to direct the defendants 1 to 3 to render a true and proper accounts the affairs of the 6th defendant from the date of death of N.Manickam, i.e., 03.08.2010 and also value the goodwill of the 6th defendant and hand over 1/6th share; to direct defendants 1 to 3 to pay the plaintiff 1/6th of the amount lying in Fixed Deposit with State Bank of India,



K.K.Nagar Branch and Indian Bank, M.G.R. Nagar Branch and Rs.1.5 lakhs in Fixed Deposit with Royapettah Benefit Fund.

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2. The fourth defendant had filed the written statement. The following issues arise for consideration:

*"(i) Whether the plaintiff is entitled for an undivided 1/6th share in the suit properties?*

*(ii) Whether the 1st, 2nd and 3rd defendants have to render true and proper accounts with respect to the 6th defendant firm from the date of death of N.Manickam on 03.08.2010?*

*(iii) Whether the plaintiff is entitled to an undivided 1/6th share from the profits of the 6th defendant firm, undivided 1/6th share in the Fixed Deposit with the State Bank of India, K.K.Nagar Branch and Indian Bank, M.G.R.Nagar Branch and Rs.1.5 lakhs in Fixed Deposit with Royapettah Benefit Fund?*

*(iv) To what shares the defendants are entitled to the suit property?*

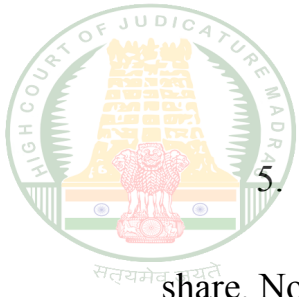
*(v) To what other reliefs, the parties are entitled to?"*

3. It is contended that the Court had already passed a preliminary decree on 07.10.2020 crystallizing the share of the plaintiff in the undivided 1/6th share on the basis of the documents Ex.A1 to Ex.A13 produced by the plaintiff who had examined herself as P.W.1. At that time, it had been noted that the fifth



defendant did not have any oral evidence to adduce on her side. The written statement of the fifth defendant was available. The learned counsel for the fourth defendant also stated that there was no oral evidence to adduce on the side of the fourth defendant and the learned counsel made an endorsement to that effect that there was no oral evidence on the side of the fourth defendant.

4. The learned counsel for the fourth defendant submitted that the fourth defendant is also entitled to an undivided 1/6th share as like the fifth defendant. It had been stated that in the preliminary decree dated 07.10.2020, the share of the fourth defendant had not been crystallized. It is to be noted that the plaintiff, the defendants 4 and 5 are sisters and daughters of Late N.Manickam. The first, second and third defendants are the sons of N.Manickam. There is no dispute that the plaintiff and the fifth defendant are entitled to an undivided 1/6th share in the suit property in conjunction with the preliminary decree already passed. A further preliminary decree is now passed declaring the fourth defendant is also entitled to an undivided 1/6th share in the suit property.



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5. The suit is decreed as above with respect to the fourth defendant's share. No costs.

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**07.07.2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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**C.V.KARTHIKEYAN,J.**

gsk

To

- 1.M.Umashankar, S/o.N.Manickam,  
901, 66 Street, 12 Sector,  
K.K.Nagar, Chennai.
- 2.M.Thanikgaivelu S/o.N.Manickam,  
W/g-a, 6th Street, North Main Road,  
Anna Nagar, Chennai.
- 3.M.Duraibabu S/o.N.Manickam,  
No.115, Angel Street, Thirumalai Nagar,  
Ramapuram, Chennai.

**C.S.No.505 of 2012**

- 4.Mrs.R.Thenmozhi W/o.M.S.Rathnasabapathy,  
Old No.66a, New No.40a,  
Nattu Subbaray Mudali Street, Mylapore, Chennai
- 5.M.Banumathy W/o.M.S.Natarajan,  
Old No.66, New No.40, Nattu Subbraya Mudali St,  
Mylapore, Chennai.
- 6.Merit Book House, Rep.by Its Authorised Signatory,  
A.P.642, 49 Street, 9 Sector, K.K.Nagar, Chennai.

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