



C.V.KARTHIKEYAN,J.

The plaintiff is in Court and is deeply aggrieved that though evidence had been adduced, the 1st defendant had not come forward to cross-examine the plaintiff on the evidence adduced. It must be stated that there was a 2nd defendant who died pending the suit and he was the father of the plaintiff and the 1st defendant.

2.Written statement had also been filed.

3.The suit had been filed seeking partition and separate possession. It would have been a simple suit dividing the property into equal shares between the plaintiff and the 1st defendant but there is a settlement deed which had been executed by the mother granting rights and settling the property to the 1st defendant and a relief is also sought to set aside that particular settlement deed.

4.The learned counsel for the plaintiff stated that originally the mother executed a settlement deed retaining life interest to her and to her husband / father. Thereafter, a further settlement deed was executed deleting that portion retaining the life interest and settling the property absolutely in favour of the 1st defendant.

5.The learned counsel for the plaintiff may address as a legal issue as to whether the second settlement deed without revoking the first settlement deed is legally valid and binding.



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2



C.V.KARTHIKEYAN,J.

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6.The absence of the counsel for the 1st defendant is noted. One opportunity is granted. Call the matter on 23.09.2022.

09.09.2022

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C.S.No.777 of 2018