

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

DATED, THE 21st DAY OF JULY 2016

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

A.NOS.3035 TO 3037 OF 2016

IN
C.S.NO.676 OF 2012

1.C.Krishna Kumar
@ Cidambi Krishna Kumar
S/o.Late C.R.Ekambaram,
No.4281, Bright Bay Way,
Elicott City Maryland -21042
United States of America

2.C.Srinivasan,
@ Srinivasan Cidambi
S/o.Late C.R.Ekambaram
No.3395, Ridgencane Road
Lexington, Kentucky 40513
United State of America

...Plaintiffs

-vs-

C.Vijaya Kumar,
S/o.Late C.R.Ekambaram
No.10, Venkataratnam Nagar,
Adyar, Chennai 600 020

...Defendant

A.Nos.3035 to 3037/2016:

C.Vijaya Kumar,
S/o.Late C.R.Ekambaram
No.10, Venkataratnam Nagar,
Adyar, Chennai 600 020

...Applicant/Defendant

-vs-

1.C.Krishna Kumar
@ Cidambi Krishna Kumar
S/o.Late C.R.Ekambaram,
No.4281, Bright Bay Way,
Elicott City Maryland -21042
United States of America

2.C.Srinivasan,
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 S/o.Late C.R.Ekambaram
 No.3395, Ridgencane Road
 Lexington, Kentucky 40513
 United State of America

...Respondents/Plaintiffs

This Application praying that this Hon'ble Court be pleased to permit the defendant in C.S.No.676/2012 to receive the documents detailed in the schedule to the application.

A.No.3036/2016:

This Application praying that this Hon'ble Court be pleased to frame an additional issue in C.S.No.676/2012, whether the Suit claim as regards 'A' Schedule property is not barred under the provisions of the Benami Transactions Prohibition Act.

A.No.3037/2016:

This Application praying that this Hon'ble Court be pleased to permit the Applicant/Defendant to file the additional Written Statement in C.S.No.676/2012.

These Applications coming on this day before this court for hearing the court made the following order:

All these applications have been filed by the defendant in the suit filed for partition and separate possession.

2.Learned counsel for the applicant submits that the following additional issues may be framed:

1.Whether the suit claim as regards A Schedule property is not barred under the provisions of Benami Transactions Prohibition Act?

2.Whether the suit is liable to be dismissed for non-joinder of necessary parties?

3.Whether the suit filed for partition is liable to be dismissed?

4.Whether the suit is maintainable without prayer for declaration declaring to set aside the sale deed standing in the name of the defendant?

3.Learned counsel for the respondents/plaintiffs submits that without prejudice to the contentions, the application may be allowed. He further submits that the suit is at the trial stage and therefore, an outer time limit may be fixed, taking note of the fact that the plaintiffs have to come from foreign country.

<https://hcservices.ecourts.gov.in/hcservices/> far as the other application seeking reception of additional documents, learned counsel for the

respondents submitted that the same may be ordered to be marked, subject to admissibility, relevancy and proof. He has also no objection in allowing the application to file the additional written statement.

5.The issues sought to be framed as additional issues regarding the suit property are accordingly framed as additional issues. Consequently, the other two applications are allowed, without prejudice to the contentions of the plaintiff.

6.It is made clear that is open to the plaintiffs to file additional statement, if any and the marking of the documents would be subject to admissibility, relevancy and proof. The plaintiffs are also at liberty to raise all contentions through pleadings and evidence with respect to the additional issues framed.

7.The learned Additional Master is directed to proceed with the cross-examination of P.W.1 and make endeavour to conclude the cross-examination on or before 29.07.2016. The learned Additional Master shall go on with the cross-examination on day to day basis, taking into consideration the inconvenience that might be caused to the plaintiffs.

8.Post the matter before the Additional Master IV on
27.07.2016.

sd/.M.M.S.J
21.07.2016

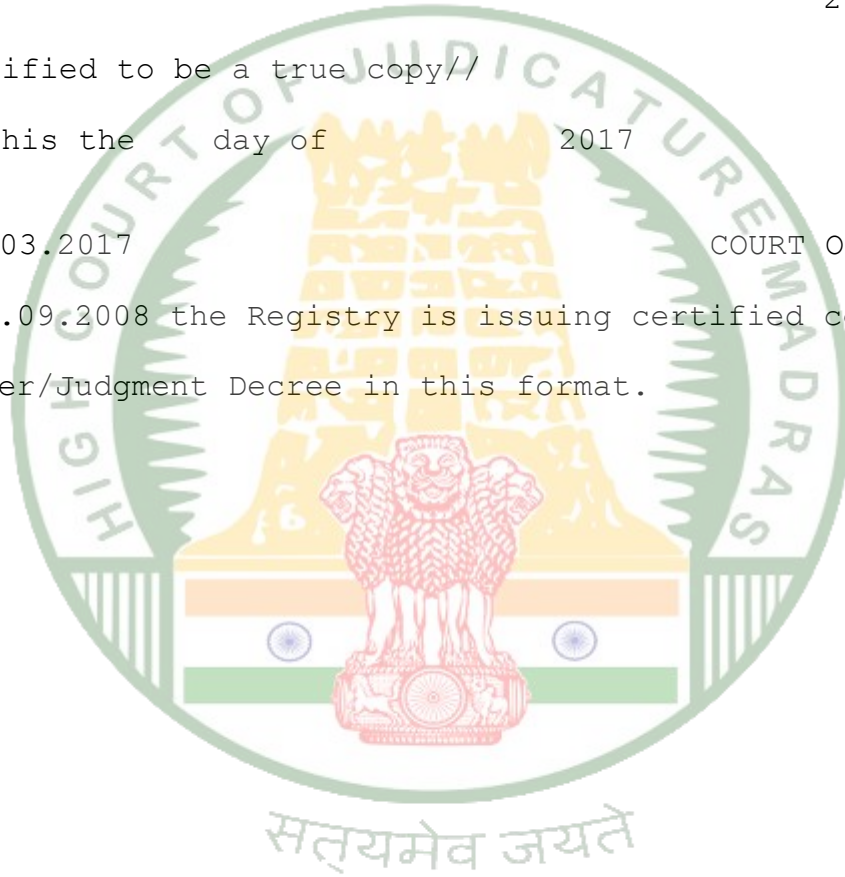
//Certified to be a true copy//

Dated this the day of 2017

R.s/07.03.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of
the Order/Judgment Decree in this format.



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