

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM

THE HON'BLE MR. JUSTICE **P.VELMURUGAN**

C.S.NO.968 OF 2008

Sattish Chavan

... Plaintiff

Vs

1.P.Sathish Kumar

2.B.Sugeetha

3.M/s.State Bank of Bikaner and Jaipur

Ashok Nagar Branch,
by its Branch Manager,
No.27, 10th Avenue,
Ashok Nagar,
Chennai 600 083.

... Defendants

Plaint filed under Order IV Rule and Order VII rule 1 of the High Court Original side rules read with order VII rule 1 of Civil Procedure Code with following prayers.

(i) declaring that the mortgage of the schedule property evidenced by the memorandum dated 07.07.2006 is null and void and vitiated by fraud; and

(ii) consequently, directing the third defendant to return the documents of title of the schedule property, namely

(a) original sale deed dated 27.08.1992 executive by T.R.Vijay Kumar, Selvi.T.R.Renuka, N.V.Girija, T.R.Manjula and Selvi T.R.Shyana in favour of

Sattish Chavan

(b) Civil court order in OS.No.1110 of 1952 in original

(c) Original indenture dated 09.03.1927 executed by Mysore Meenakshi Ammal in favour of Rao Bahadur T.K.Arunachala Iyer.

(d) Original mortgage deed in favour of Purasawalkam Gangatheeswara Benefit Fund, dated 03.04.2002

(e) Original EC from 01.01.1976 to 28.06.2006, and

(iii) Alternatively, directing the first and second defendants jointly and severally to settle the loan amount of Rs.29,00,000/- (Rupees Twenty Nine Lakhs only) taken on account Nos.61008213836, 610081984464, 61008251747 from the third defendant with interest thereon till the date of full and final settlement and

iv) directing the defendants jointly and severally to pay the plaintiff Rs.4,10,000/- (Rupees Four lakhs and Ten Thousand Only) with interest at the rate of 36% per annum with monthly rests till the date of repayment and

v) for cost of the suit and

For Plaintiff : Mr.T.V.Lakshmanan

For Defendant : Mr.N.Ishtiaq Ahmed

JUDGMENT

This Court has already directed the learned counsel for the plaintiff to file proof affidavit but he had not filed any proof affidavit. Accordingly this suit is dismissed for default.

08.12.2016

Index :Yes/No
dpq

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