

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

C.S.No.24 of 2006

1. Mrs. B.K.Rajeswari

2. D.Krishnamoorthy

..

Plaintiffs

Vs.

1. The Muthialpet Benefit Fund Limited,
Rep. by its Chief General Manager,
Mr.N.Veeraraghavan,
carrying on business at
Varatharajulu Building,
No.199, Thambu Chetty Street,
Chennai – 600 001.

2. Sri Raj and Co., Auctioneer,
rep. by tis Proprietor,
Mr. Dorai Raj,
No.7, 1st floor,
Sunkurama Chetty Street,
Chennai – 600 001.

3. P.Raghupathy

4. R.Mahalakshmi

5. S.Kuppusamy (died)

6. K.Saravanan

7. K.Sivaraj.

8. Dhanalakshmi .. Defendants
 (Defendants 6 to 8 brought
 on record as L.R's of the 5th
 defendant Kuppusamy, as per
 order dated 11.12.2009 in
 Appl. No.8514 of 2009)

Prayer: Plaint filed under Order VII Rule 1 of C.P.C r/w. Order XXXIV Rule 7 and 8 C.P.C r/w. Order IV Rule I O.S. Rules to pass a judgment and decree against the defendants :-

(a) to declare the sale deed dated 05.12.2005 executed by the first defendant in favour of the defendants 3 to 5 in respect of the plaint schedule property and registered as document no.1476 of 2005 is null and void and the same is not binding on the plaintiffs and consequently set aside the above sale deed;

(b) for mandatory injunction directing first defendant to submit true and proper account in respect of the mortgage dated 02.11.1995 executed by the plaintiffs in favour of the first defendant in respect of plaint schedule property and registered as document No.1251 of 1995;

© for redemption of mortgage deed dated 02.11.1995 and registered as document No.1261 of 1995 executed by the plaintiffs in favour of the first defendant in respect of plaint schedule property; (d) injunction restraining the defendants their men, agents, servants, etc., or any one acting on their behalf from any manner interfering with the

plaintiffs' peaceful possession and enjoyment of schedule mentioned property;

(d) for interim injunction restraining the defendants, their men, agents, servants etc., or any one acting on their behalf from any manner interfering with the plaintiffs peaceful possession and enjoyment of property bearing New door NO.3, Meeran Sahib Street, Narasingapuram, Mount Road, Chennai – 600 002, morefully set out in the schedule hereunder by administering maintaining and collecting the rents from the schedule mentioned property;

(or)

20(a) Consequently, direct the defendants to pay a sum of Rs.3,00,000,00/-(Rupees Three Crores only) as damages to the plaintiffs for the improper sale of the suit property by the defendants.

(e) directing the defendants to pay the costs of the suit.

For plaintiff : Mr.K.Sellathurai

For defendants : Mr. T.E.Badrinathan,
for R1

Mr. R.Thiagarajan,
for R3 to R8

J U D G E M E N T

It is submitted that the matter has been resolved between the parties before the Lok Adalath. Hence, the suit shall stand dismissed. Consequently, Registry is directed to repay the Court fee to any one of the plaintiffs.

24.08.2016

Index : Yes/No
Internet : Yes/No

M.M.SUNDRESH J.

mrp

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