

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

O.S.A.Nos.321 and 322 of 2010

O.S.A.No.321 of 2010:

Syed Ibrahim

.. Appellant

Vs.

1. Akthar Begum
2. Afzal Jahan Begum
3. Roshnara Begum
4. Wasim
5. Syed Matheen
6. Zohara
7. Syed Habibullah
8. Kubra
9. Noor Jehan Begum
10. Anees Begum
11. Jahanara Begum
12. Althaf Begum
13. Zubaida Hospitals Ltd.
10/A, Guruswamy Road
Chetput, Chennai - 600 031.
14. Dr.K.Anwaruddin
15. Dr.Kurien, Partner
Dr.Joseph Nursing Home
10/A, Guruswamy Road
Chetput, Chennai - 600 031.

16. Dr.Rekha Kurien, Partner
Dr.Joseph Nursing Home
10/A, Guruswamy Road
Chetput, Chennai - 600 031.
- .. Respondents

PRAYER: Appeal against the judgment and decree dated 2.3.2010
in Application No.731 of 2010 in C.S.No.1061 of 2009.

O.S.A.No.322 of 2010:

Syed Ibrahim

.. Appellant

Vs.

1. Afzal Jahan Begum
 2. Roshnara Begum
 3. Wasim
 4. Syed Matheen
 5. Zohara
 6. Syed Habibullah
 7. Kubra
 8. Noor Jehan Begum
 9. Akthar Begum
 10. Anees Begum
 11. Jahanara Begum
 12. Althaf Begum
 13. Zubaida Hospitals Ltd.
10/A, Guruswamy Road
Chetput, Chennai - 600 031.
 14. Dr. K. Anwaruddin
 15. Dr. Kurien, Partner
Dr. Joseph Nursing Home
10/A, Guruswamy Road
Chetput, Chennai - 600 031.
 16. Dr. Rekha Kurien, Partner
Dr. Joseph Nursing Home
10/A, Guruswamy Road
Chetput, Chennai - 600 031.
- .. Respondents

PRAYER: Appeal against the judgment and decree dated 2.3.2010 in C.S.No.1061 of 2009.

For Appellant : Mr. Zaffarullah Khan
in both appeals

For Respondents : Mr. A. L. Somayaji, Sr. Counsel
15 and 16 in for Mr. N. S. Manoharan
both appeals

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard the learned counsel for the parties.

2. The suit says nothing about the earlier suits in respect of the same property filed by other co-sharers, in which the appellant/plaintiff was a party. This is one of the grounds for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908.

3. The learned Senior Counsel for respondents 15 and 16 states that the appellant was also given shares in M/s.Zubeda Hospitals Limited on account of his share in the property in the suit and the sale deed dated 5.8.2009 executed by M/s.Zubeda Hospitals Limited in favour of the vendees records that the co-sharers were made confirming parties to the document only as a measure of abundant caution, though the appellant did not join in the same. It is stated that the shares allotted to the appellant have, in fact, been sold by him and these documents are stated to be part of the present suit.

4. At this stage, the learned counsel for the appellant states that he would not like to pursue the appeals.

5. Endorsement made.

6. These appeals are dismissed as withdrawn leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To
The Sub Assistant Registrar,
Original Side, High Court,
madras.

+4 cc's to Mr.N.S.Manoharan,advocate,sr.53612, 13

kji(co)
krd 29/9

O.S.A.Nos.321 and 322 of 2010

सत्यमेव जयते

WEB COPY