

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 03RD DAY OF AUGUST 2017

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

OA.No.514 of 2017
in
C.S.No.980 of 2010

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E.Usha, W/O.S.Elangovan,
No.31, Ramanathan Street,
T.Nagar, Chennai-600 017.

...Plaintiff/Applicant

-Versus-

1.A.Shanthi,
W/o. Late, Amarnath Prabhakar,

2.S.Vijayalakshmi @ Vijaya,
W/o.Bhoopathy Kannan,

3.S.Lakshmi,
W/o.Late T.N.Somasundara Nadar,

Nos.1 to 3 residing at D.No.1C,
First Floor, Raga Foundation Apartments,
11th Nandanam Extension Road,
Nandanam, Chennai-600 035.

...Defendants/Respondents

Application praying that this Hon'ble Court be pleased to grant INTERIM INJUNCTION restraining the Respondent/Defendants their men, agents, servants, subordinates or any other person claiming through them from demolishing and reconstructing the property and in any manner raise any permanent or temporary construction on the property, pending disposal of the suit.

This original application coming on this day before this court for hearing the court made the following order:

It appears that 3rd defendant in the suit, who is the mother of the plaintiff had died on 03.05.2016. It is very unfortunate that for more than one year the plaintiff had not brought this aspect to the notice of this Court or taken any steps to amend the plaint and later. At the first instance, the plaintiff is directed to file a necessary application to record the death of the mother in the suit. Irrespective of the same, Original Application No.514 of 2017 has been filed by the plaintiff. The relief sought is that the respondent should not demolish and reconstruct the property. In the Counter filed on behalf of the respondent particularly respondents 1 & 2, in paragraph no.3 it had been stated that, there is no intension of demolishing and reconstructing the suit property.

2. However, it is also seen that the application was filed in 2017, on a date, when the 3rd respondent mother of the applicant was dead. She had died one year earlier.

3. Consequently, this application is dismissed. Since orders cannot be passed against a dead person.

Sd/.C.V.K.J
03.08.2017

//Certified to be a true copy//
Dated this the day of 2017.

TM/08.08.2017

COURT OFFICER

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