

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 20TH DAY OF OCTOBER 2017

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.2009 of 2017

in

C.S.No.301 of 2013

1.Mrs.Uma Ashok
No.7A, 3rd Floor,
Warren Road,
Mylapore, Chennai -600 004

2.Mr.A.Srinivasa Ragavan,
No.7A, 3rd Floor,
Warren Road,
Mylapore, Chennai -600 004

3.Mr.A.Veeraraghavan,
No.7A, 3rd Floor,
Warren Road,
Mylapore, Chennai -600 004

4.Mrs.Kousalya Parthasarathy,
No.24, Desika Sadan,
28th Cross Street, Besant Nagar,
Chennai - 600 090

5.Mrs.Usha Desikan,
No.58/93, 'Sri Ranga'
East Chithirai Street,
Srirangam 620 006

6.Mrs.Sheela Ashok Kumar,
198, I Floor, 14th Cross street,
III Main Road, RMV II Stage,
Bangalore - 560 094

...Plaintiffs

vs

1.Mr.S.Ravindran,
H-119/3, 33rd Cross Street,
Besant Nagar,
Chennai - 600 090

2.Mr.S.Krishnamachari,
303, Ramaaratan Street,
3rd Floor,
Govanpada Junciton, Mulund East,
Mumbai -400 081

3.Mr.S.Badri Narayaan,
No.10, Gregory Place,
Hillsborough, Auckland,
New Zealand

..Defendants

A.No.2009 of 2017:

1.Mrs.Uma Ashok
No.7A, 3rd Floor,
Warren Road,
Mylapore, Chennai -600 004

2.Mr.A.Srinivasa Ragavan,
No.7A, 3rd Floor,
Warren Road,
Mylapore, Chennai -600 004

3.Mr.A.Veeraraghavan,
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Mylapore, Chennai -600 004

4.Mrs.Kousalya Parthasarathy,
No.24, Desika Sadan,
28th Cross Street, Besant Nagar,
Chennai - 600 090

5.Mrs.Usha Desikan,
No.58/93, 'Sri Ranga'
East Chithirai Street,
Srirangam 620 006

6.Mrs.Sheela Ashok Kumar,
198, I Floor, 14th Cross street,
III Main Road, RMV II Stage,
Bangalore - 560 094

...Applicants

vs

1.Mr.S.Ravindran,
H-119/3, 33rd Cross Street,
Besant Nagar,
Chennai - 600 090

2.Mr.S.Krishnamachari,
303, Ramaaratan Street,
3rd Floor,
Govanpada Junciton, Mulund East,
Mumbai -400 081.

...Respondents

Application praying that this Hon'ble Court be pleased
to recall the order dated 25.10.2016 passed in Application
No.406 of 2013.

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

This Application has been filed to recall the order dated 25.10.2006. The main ground on which the Applicant seeks recall of the order is that the order proceeds on the basis that there has been alienation of property on 04.02.2013, which is factually wrong.

2. A perusal of the documents produced reveals that on 04.02.2013 the first defendant had executed the power of attorney in favour of the third party after having received the entire sale consideration. It appears that he has paid capital gains tax on the said transaction. It is also seen that subsequently proper sale deed has been executed on 25.06.2015. Admittedly, the purchaser is not a party to the suit.

3. On 25.10.2016 after recording the statement of the learned counsel appearing for the first defendant that the property has been sold by him on 04.02.2013. This Court has granted an order of status-quo. I do not find any ground to recall the said order. Hence, the application is dismissed.

4. Registry is directed to post the matter for framing issues on 01.11.2017.

Sd/-R.S.M.J

20.10.2017

//Certified to be a true copy//

Dated this the th day of 2017.

EM/23.10.2017

COURT OFFICER

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