

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2017

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

C.S.No. 987 of 2009

And

Tr.C.S.No. 20 of 2010

C.S.No. 987 of 2009

Mohana

... Plaintiffs

Vs.

1. Sasikala
2. Ramesh Kumar Jain
3. Asha Kumari Jain
4. Meena Kumari Jain
5. Vinod Kumkar Jain
6. Ashok Kumar Jain
7. Surender Kumar Jain
8. Rekha Kumari Jain
9. Tanaj Kumari Jain
10. Hemamalini Jain

... Defendants

PRAYER: This Civil Suit filed under Order IV Rule 1 O.S. Rules read with Order VII Rule 1 CPC, praying for the following reliefs:-

(i) declaring that the plaintiff is the lawful owner of the suit schedule property;

(ii) Consequently pass a decree for possession of the suit property in favour of the plaintiff and as against the defendants;

(iii) to determine the future mesne profits under Order 20 Rule 12 CPC;
and

(iv) to award the costs of the suit.

Tr.C.S.No. 20 of 2010

1. Tanja Kumari Jain

2. Hemamalini Jain

... Plaintiffs

Vs.

1. Mrs.Sasikala

2. Ramesh Kumar Jain

3. Asha Kumari Jain

4. Meena Kumari Jain

5. Vinod Kumkar Jain

6. Ashok Kumar Jain

7. Surender Kumar Jain
8. Rekha Kumari Jain
9. Mohana ... Defendants

PRAYER: This Transfer Civil Suit filed under Order VII Rule 1 CPC, praying for the following reliefs:-

(i) to divide the house and ground bearing Plot No. 591, H Block, 20th Street, 16th Main Road Anna Nagar, (West), Chennai - 600 040, comprised in Survey No. 220 (part), Thirumangalam Village, more particularly described in the plaint schedule property into 10 equal shares by metes and bounds and allot 2 shares in the schedule mentioned property to them;

(ii) to direct the defendants to pay the cost of the suit.

For Plaintiff in
C.S.No. 987 of 2009 : No appearance

For DD 1 to3, 5 to 8 in
C.S.No. 987 of 2009 : Mr.B.Damodaran

For Plaintiffs in
Tr.C.S.No. 20 of 2010 : No appearance

For Defendants in
Tr.C.S.No. 20 of 2010 : No appearance

COMMON JUDGMENT

In C.s.No. 987 of 2010, the counsel for the plaintiff had represented that they had reported no instructions. Office was requested

C.V.KARTHIKEYAN, J.

vsg

to issue notice to the plaintiff. Notice was issued. Again there is no representation on behalf of the plaintiff. Since there was no representation even on the earlier date on 04.01.2017, the matter has been posted under the caption 'for dismissal'.

2. Today there is no representation. Hence, C.S.No. 987 of 2009 is dismissed. No costs.

3. In Tr.C.S.No. 20 of 2010 the plaintiffs in this case are the defendants 9 and 10 in C.S.No. 987 of 2009. Since there is no representation, Tr.C.S.No. 20 of 2010 is also dismissed. No costs.

18.01.2017

vsg

C.S.No. 987 of 2009

And

Tr.C.S.No. 20 of 2010