

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2018

CORAM

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

C.S.No.235 of 2014

M.Asan Ali

... Plaintiff

Versus

1.Kumarchandra P.Sheth

2.Rajeshkumar P.Sheth

3.Jatin K.Sheth

4.Shirali J.Sheth

5.K.Umar Khan

6.A.Syed Sulthan

Defendants

Plaint filed under Order VII Rule 1 C.P.C. read with Order IV Rule 1 of the High Court of Madras Original Side Rules, 1956, praying to pass a judgment and decree:-

a) Declaring the Sale deed dated 05.02.2014 bearing Document No.127 of 2014 executed by the 2 to 4 defendants in favour of the 5th

defendant is null and void and not binding on the Plaintiff regarding the suit schedule property:

b)Declaring the Sale deed dated 05.02.2014 bearing Document No.128 of 2014 executed by the 2 to 4 defendants in favour of the 6th defendant is null and void and not binding on the plaintiff regarding the suit schedule property:

c)For permanent injunction restraining the 5th and 6th defendants, their men, servants, agents, subordinates, henchmen or any body claiming under or through them from in any manner alienating or encumbering including demolition and modification of the building in the suit schedule premises:

d)For permanent injunction restraining the 5th and 6th defendants their men, servants, agents, subordinates, henchmen or any body claiming under or through them from in any manner interfering with the peaceful possession and enjoyment of the plaintiff at the suit schedule property.

e)for costs of the suit.

For Plaintiff : Mr.B.Gurunathan

For Defendants: Mr.G.Kumud Jhabakh for (D1 to D4)

Mr.K.S.Vaithianathan for (D-5)

M/s.K.Vijaya Associates for (D-6)

J U D G M E N T

Learned counsel for the plaintiff as by his letter dated 17.01.2018 sought permission to withdraw the above suit and also produced a letter addressed to him by the plaintiff instructing him to withdraw the suit and made an endorsement to that effect.

2.Since, the matter has been settled amicably between the plaintiff and the 5th defendant, the suit is dismissed as settled out of Court. Accordingly, the suit is dismissed as settled out of court. The plaintiff is entitled to refund of the entire court fee paid in the suit. Therefore, the Registry is directed to refund the entire Court fee paid in the suit to the plaintiff under Section 69 of the Tamil Nadu Court Fees and Suit Valuation Act, 1955.

25.01.2018

KP

Index : Yes/ No

Internet : Yes/ No

Speaking Order/ Non-speaking Order

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