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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 02nd DAY OF FEBRUARY 2018

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.649 of 2014

1. Indirani,
W/o.late Perumal Naicker,
Old No.2, New No.28, Senkazhani Amman
Koil 1st Street, Muduvankarai,
Guindy, Chennai - 600 032.

2. B.Kishore (Minor),
aged 14 years, rep. by father and
natural guardian G.Balu,
No.27, Sunmathi Avenue,
Paruthipattu Village,
Avadi, Chennai - 600 071.

... Plaintiffs

-Versus-

1. Mrs.Lakshmi,
W/o.V.Shanmugam,
Old No.15, New No.41,
Thirumurugan Street,
Ganesh Nagar, Velachery,
Chennai - 600 042.

2. Mr.Arjunan Naicker,
S/o.Manicka Naicker,
Old No.8, New No.17,
Thirumurugan Street,
Ganesh Nagar, Velachery,
Chennai - 600 042.

... Defendants

Civil Suit filed under Order IV Rule 1 of the original side rules read

<https://hcservices.ecourts.gov.in/hcservices/>

with Order VII Rule 1 of Civil Procedure Code praying that this Hon'ble
Court be pleased to grant judgment and decree in favour of plaintiffs:



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a) declaring 2nd plaintiff's sole absolute title in respect of whole item 1 and 2 of 'A' schedule suit properties and whole 'B' schedule of suit properties and consequential relief of permanent injunction restraining defendants, their men, agents, servants or any one claiming right through them from any manner interfering with plaintiff's possession of whole 'A' and 'B' properties;

b) to direct the (*) 1st defendant to vacate and deliver vacant possession of suit C schedule of property measuring 420 sq.ft. which is forming a part of Item No.2 of 'A' schedule property;

c) to award cost of the suit.

This suit coming on this day before this court for hearing in the presence of Mr.C.R.Dhasarathan, advocate for the plaintiffs herein and the defendants herein not appearing in person or by advocate and the said defendants herein having been set ex-parte and upon reading the plaint filed herein and upon perusing the evidence adduced therein and the other exhibits therein referred hereto, and this court observing that it is clear that the suit properties belong to the 2nd plaintiff and the defendants have no right of title over the suit properties as they are not class-I heirs of Perumal

Naicker. It is ordered and decreed as follows:-



That the 2nd plaintiff herein be and is hereby declared as sole absolute title owner in respect of whole item 1 and 2 of 'A' suit properties and whole 'B' suit properties morefully setout in the schedule hereunder.

2. That 1. Mrs.Lakshmi, 2. Mr.Arjunan Naicker, the defendants herein, their men, agents, servants or any one claiming right through them be and are hereby restrained by an order of permanent injunction from any manner interfering with plaintiff's possession of whole 'A' and 'B' properties morefully setout in the schedule hereunder.

3. That the (*) 1st defendant herein be and is hereby directed to vacate and deliver vacant possession of suit C property morefully setout in the schedule hereunder measuring 420 sq.ft. which is forming a part of Item No.2 of 'A' schedule property.

4. That the defendants herein do pay to the plaintiffs herein the cost of this suit as and when taxed by the taxing officer of this Court and noted in the margin thereof.

SCHEDULE-A

Item No.1: an extent of 1500 sq.ft. site with commercial storied building thereon bearing Door No.1A, comprised in S. No.53/1, Block No.6, T.S. No.23, situated at Senkazhani Amman Koil Street, Maduvankarai Village No.137, Velachery Madura, Velachery Taluk, previously Guindy Chennai



North by : Karkandu Rajan Property

South by : Senkazhani Amman Koil 1st Street,

East by : Arjuna Naicker's house site,

West by : Senkazhani Amman Koil Street.

Item No.2: An extent of 4023 sq.ft. with a residential house measuring 1000 sq.ft. comprised in Old S. No.53/1, as per settlement S. No.3, bearing Old Door No.2, New No.28, Senkaezhani Amman Koil 1st Street, Maduvankarai Village, No.137, Velachery Madhura, Velachery Taluk, previously Guindy Taluk, Chennai District, within the Sub-Registration District of Velachery bounded on the

North by : Senkazhani Amman Koil 1st Street,

South by : Kuppusamy Naicker house,

East by : Balaji Apartment,

West by : Kavery Cluster Apartment.

SCHEDULE - B

An extent of 97 (Ninety Seven cents) Nanja land comprised in Old S. No.144/1, New S. No.144/1A2 patta No.2532 measuring 0.05 cents, S. No.142/4 measuring 0.41 cents S. No.142/5 measuring 0.34 cents and S. No.143/2, measuring 0.17 cents, patta No.2320/2532 totally 97 cents situated at No.154, Jalladianpettai Village, Sozhinganallur Taluk,

SCHEDULE - C

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A portion of premises measuring 420 sq.ft. house with site on the South Eastern side of the residential house and site measuring 1000 sq.ft. which is on the Southern side of the Item No.2 of 'A' schedule of property.

Bounded on the

North by : remaining vacant land of Item No.2 of 'A' schedule of property

South by : Kuppusamy Naickers House

East by : Balaji apartment

West by : remaining 580 sq.ft. house with site out of 1000 sq.ft.

WITNESS THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 02nd DAY OF FEBRUARY 2018.

Sd./-

ASSISTANT REGISTRAR (O.S.I)

**(*) Amended as per order dated 16.04.2019
made in A.No.3082 of 2019.**

Sd./- (08.08.2019)

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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17.03.2018

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C.S.No. 649 of 2014

DECREE

DATED: 02.02.2018

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL : 26/03/2018

APPROVED ON : 27/03/2018