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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 18TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

C.S. No.5 of 2015

K. Rajammal
W/o. K.P. Krishnasamy
(*) Represented by A.Ramkumar, Advocate
international Law Chamber Centre,
61-63, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004
is appointed as court guardian
No.52, Gurusamy Nagar, Navavoor Privivu
Bharathiyar University Post,
Coimbatore 641 046.

(*) as per order dated 7.8.2014, in A.No.4932 of 2013
and order dated 31.10.2014 in A.No.6445 of 2014

...Plaintiff

Vs.

1. Senthilvadivu
W/o. Late Sathiyamoorthi

2. Minor Rithanya
D/o. Late Sathiyamoorthi

3. Minor Mrithulya
D/o. Late.Sathiyamoorthi
Minors 2 & 3 are Rep.by their
Mother and Natural Guardian
Mrs.Senthilvadivu,
All are residing at AP 270
Kambar Kudiyeeruppu
Anna Nagar West, Chennai 600 040.

...Defendants

Civil suit praying that this Hon'ble Court be
pleased to pass the judgment and decree against the
Defendants:

(i) for partition directing the First Defendant to
effect partition by directing the 1st defendant herein to
divide the suit properties comprised in item Nos. 1 to 4
more fully described in the schedule hereunder by metes and
bounds into four equal shares and to allot 1/4th share to
the Plaintiff herein.



(ii) to grant permanent injunction restraining the First Defendant and her men, agents, servants or any other persons claiming under through her from encumbering, alienating the suit schedule properties comprised in item Nos. 1 to 4 morefully described in the plaint schedule hereunder to the third parties by way of sale or mortgage or in whatsoever manner without the consent of the Plaintiff herein.

(iii) Cost of the suit.

This suit coming on this day before this court for hearing in the presence of Mrs.A.Arulmozhi, Advocate for the Defendants herein and the plaintiff herein not appearing in person or by advocate and upon reading the plaint and memo filed herein, and the learned counsel for the defendant having submitted that the sole plaintiff Mrs.K.Rajammal died on 10.09.2016 and has filed her death certificate in proof of the same, it is ordered as follows:-

That the suit in C.S.No. 5 of 2015 be and is hereby dismissed as abated.

2. That it is open to the legal heirs of the deceased plaintiff to apply for revival of the suit in accordance with law.

3. That there shall be no costs of this suit.

WITNESS THE HON'BLE SHRIMATI.VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 18th DAY OF SEPTEMBER 2018.

Sd./-

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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11.12.2018

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C.S. No.5 of 2015

ORDER:

DATED : 18.09.2018

THE HON'BLE MR. JUSTICE
P.D.AUDIKESSAVALU

FOR APPROVAL: 13.12.2018

APPROVED ON: 14.12.2018