

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

C.S. No. 425 of 2018

and

O.A. No. 602 of 2018

Mohammed Ghyaz Hashim
S/o.M.Hashim Sulaiman
13, Sulaiaman Zackria Avenue
Casa Major Road, Egmore
Chennai - 600 008. ... Plaintiff

Vs.

1.The President
The Cutchi Memon Jamath
No.73, Old No.24, Chinanthambi Street
Chennai - 600 001.

2.The Hony. Secretary
The Cutchi Memon Jamath
No.73, Old No.24, Chinnathambi Street
Chennai - 600 001. ... Defendants

Prayer :

Plaint filed under Order VII of Code of Civil Procedure read with Order IV Rule 1 Original Side Rules
praying to pass a judgment and decree:-

(a) granting permanent injunction restraining the defendants and their men, servants and agents
and any person tracing power under them in any manner removing or making any alteration with the
plaintiff father's headstone viz. M.Hashim Sulaiman erected by the Plaintiff and maintain by the
Plaintiff.

(b) to pay the cost of the suit

For Plaintiff : Mr.R.Krishnakumar
For Defendants : Mr.V.Raghavachari

J U D G M E N T

Learned Counsel for the Plaintiff has filed a memo stating as follows:-

"(1) The suit mentioned above is pending before this Hon'ble High Court and had granted an order

of ad-interim injunction for restraining the Respondents/Defendants their men, servants, agents and any person tracing power under them in any manner whatsoever in removing or making any alteration with the plaintiff father's headstone viz. M. Hasim Sulaiman erected by the Applicant/ Plaintiff arrayed herein and maintained by the Applicant. Pending the suit, the general of the Cutchi Memon Jamath convened on 16.09.2018. After deliberations, it was resolved that the erection of headstone could be permitted subject to grant of permission by the Defendants. The Cutchi Memon Jamath which amended by Amendment to Memorandum of Association item H) Rules and Regulations where amended rule 32) regarding building of Pucca Graves at CMJ burial Ground-Old Washermanpet - Chennai - 600 021 and the Plaintiff also applied for Legalization of Headstone at grave and paid Rs.5000 as a Maintenance fees (Miscellaneous Receipt No.1796) for the same.

(2) It is prayed that the aforesaid submission may be recorded."

2. In view of the aforesaid resolution passed by the Defendants, it is submitted by the Learned Counsel for the Plaintiff that the suit claim has been settled out of Court and he has also made an endorsement to that effect.

3. Recording the same, the suit is dismissed as settled out of Court. The Plaintiff shall be entitled to a Certificate for the refund of eligible amount of court-fee in accordance with law. Consequently, the connected application is closed. No costs.

24.10.2018

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Note: Issue copy of Judgment and Decree by 24.10.2018.

Index : Yes/ No

Internet : Yes/ No

Speaking Order/ Non-speaking Order

P.D. AUDIKESAVALU, J.

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