

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.722 of 2012

1.B.P.Suresh
2.S.Suriya Prabha

... Plaintiffs

Vs

1.G.Shyamala Devi
2.J.Gopilal
3.S.Kumar
4.K.Rajeshwari
5.K.Ananda Saravanan
6.K.Ananda Subramaniam
7.Sri Raj & Co. - Auctioneers
Rep. by its Proprietor,
No.7, Sungurama Chennty Street,
Chennai – 600 001.

... Defendants

Plaint filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 C.P.C. praying to pass a judgment and decree:

(a) to declare that the Sale Deed document dt. 24.05.2010 registered as Document No.645/2010 on the file of SRO, Sowcarpet as invalid and not valid or binding on the plaintiffs and

(b) to permit the plaintiffs to redeem the property by deposition the actual loan amounts to be derived and finalised by this Hon'ble Court with regard to the mortgage deed dt. 28.01.2008 registered as Document No. 44/2008 on the file of

the SRO, Sowcarpet and payable to the defendants 1 & 2;

(c) for a permanent injunction restraining the defendants 3 to 6, their men, agents, servants etc., from in any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit schedule property by unlawful means or by use of threat and force except by due process of law

(d) for a further permanent injunction restraining the defendants 3 to 6, their men, agents, servants etc. from in any manner alienating, transferring or encumbering the plaintiff's suit schedule property till the disposal of the above civil suit.

(e) directing the defendants 1 and 2 to provide true and correct statement of accounts pertaining to the Mortgage Deed dt. 28.01.2008 and

(e) for cost of the suit.

For Plaintiffs : No appearance

For defendants 3 to 6 : Mr.T. Srikanth

J U D G M E N T

In view of the fact that the suit in CS No.323 of 2012, filed by the auction purchaser, for possession has been decreed and the fact that Section 69 (3) of the Transfer of property Act protects the interest of the auction purchaser, the suit in CS No.722 of 2012 is dismissed without costs.

09.03.2018

jv
Index: Yes/No

Internet: Yes/No

Speaking order/Non speaking order

To

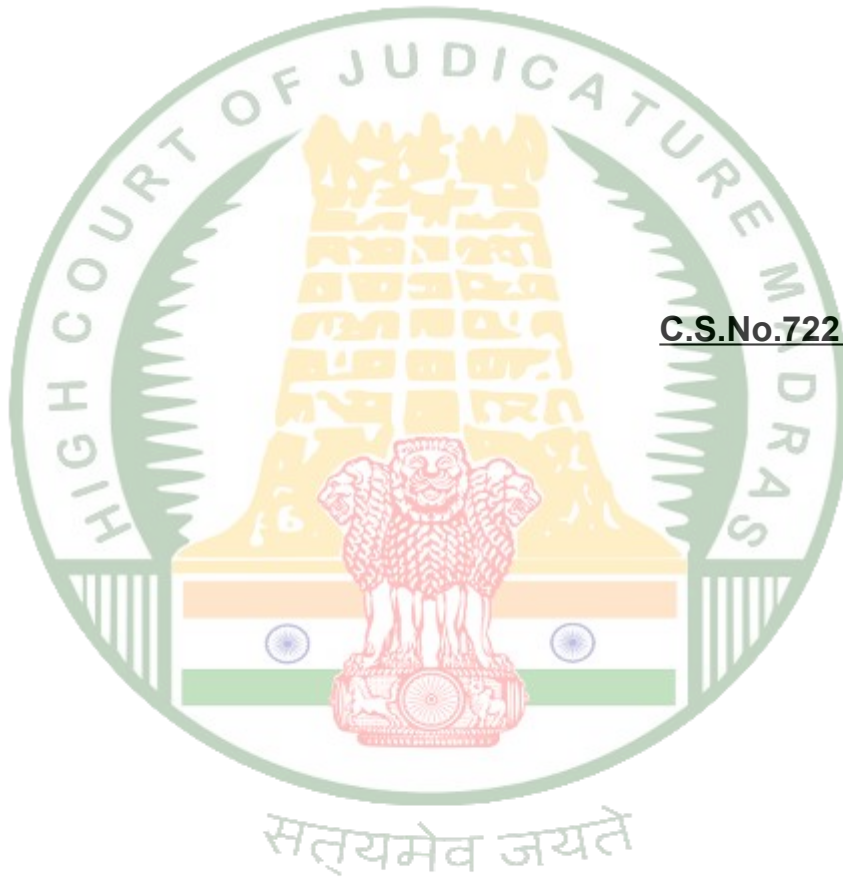
The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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R.SUBRAMANIAN, J.

jv



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