

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.737 of 2013

1.M.Kalasree

2.S.Roshan Prakash

... Plaintiffs

Versus

1.G.Gopikrishnan

[Amended as per order dated 21.11.2013
in A.No.5555 of 2013]

2.B.Kumara Krishnan

... Defendants

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

a) to declare that the cancellation deed dated 09.12.2010 executed by the mother-in-law of the 1st plaintiff and registered as document No.4240 of 2010 in Book No.I, in the office of the Sub-Registrar of Anna Nagar, Chennai on 03.12.2010 as “NULL AND VOID AB-INITIO” and will not be binding upon the plaintiffs;

b) To declare that the plaintiffs alone are the absolute

joint owners of the Schedule - B Property as per the settlement deed dated 09.12.2004 registered as Document No.5043 of 2004, in Book No. I, in the office of the Sub-Registrar of Anna Nagar, Chennai as they are the class - I legal heirs of the deceased late Mr. G.Siva Prakash son of late Smt. Anusya Devi and mother-in-law of the 1st plaintiff herein;

c) Consequently, direct both the defendants to quit and deliver the vacant possession of the suit Schedule - B property to the plaintiffs;

d) To direct the 1st defendant to render a true and proper account of rents at the rate of Rs.10,000/- per month received from the 2nd defendant from the date of death (02-12-2011) of Smt.Anusuya Devi till upto date of plaint; and

e) for cost of the suit.

For Plaintiffs : No appearance

For Defendants : M/s. Elanthirayan

for M/s.Sai Bharath & Ilan

JUDGMENT

Since none appeared for the plaintiff before the learned Additional Master for more than six occasions, the learned Additional Master had directed the matter to be listed before this Court for further orders.

2. The matter was listed on 02.02.2018 before this Court. Since none

appeared for the plaintiffs on that day also, the matter was directed to be listed for dismissal today (05.02.2018). Even today, none appears for the plaintiffs.

3. Hence, the suit is dismissed for non-prosecution. No costs.

05.02.2018

dsa
Index : No
Internet : Yes
Non-speaking Order

List of the witnesses examined on the side of the plaintiffs: Nil

List of Exhibits marked on the side of the plaintiffs: Nil

List of the witnesses examined on the side of the defendants: Nil

List of Exhibits marked on the side of the defendants: Nil

सत्यमेव जयते

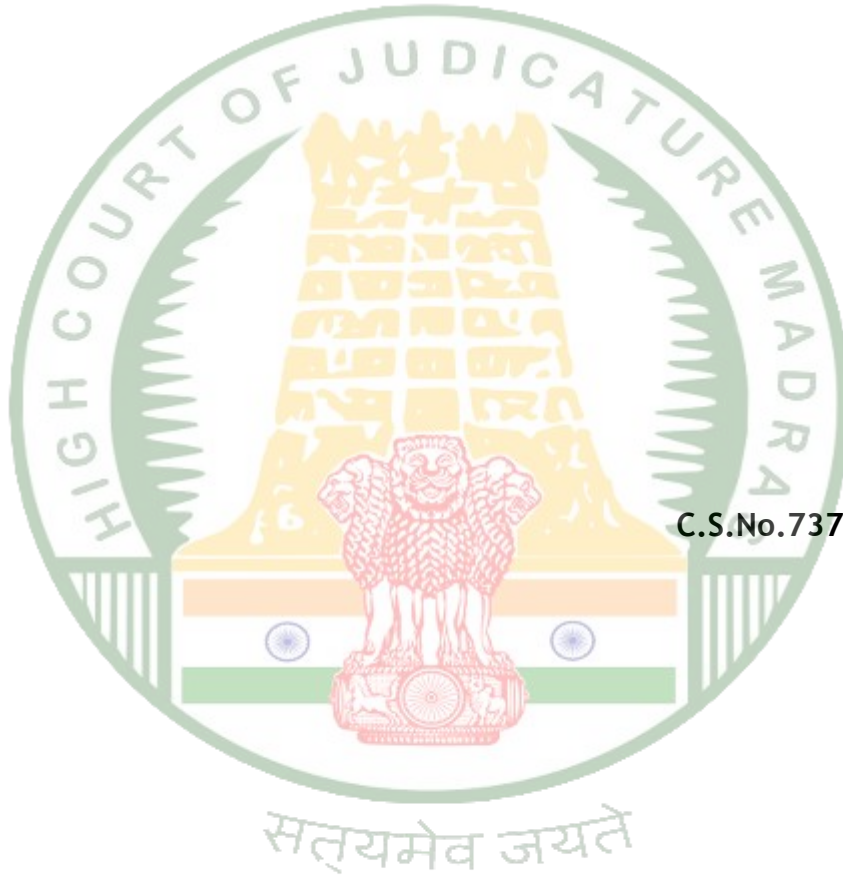
05.02.2018

dsa

WEB COPY

R.SUBRAMANIAN, J.

dsa



C.S.No.737 of 2013

WEB COPY

05.02.2018