

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.01.2019

CORAM

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.S.No.438 of 2012

&

OA.No.548 of 2012

1. Mrs. S.A.Zanufa
2. S.A. Jainambu Nageeba .. Plaintiffs

-vs-

1. Mr. M. Imthias
2. D.T.Easwaran
3. J. Syed Abdul Kadar
4.N.A.J.Abdul Khader .. Defendants

Prayer: Plaint filed under order IV, Rule 1 of O.S.Rules read with Order VII, Rule 1 of CPC praying

(a) to direct the 1st defendant to pay a sum of Rs.54,00,000/- to the plaintiffs towards the sale consideration of the plaintiffs share in the suit schedule property;

or in the alternative

(i) to declare the sale deed bearing document No.1649 of 2009 dated 16.09.2009 executed by the first defendant as a power agent of the first plaintiff to and in favour of the 2nd defendant registered in the office of Periamet Sub Registrar Office is null and void not binding on the plaintiffs.

(ii) To declare the sale deed bearing document No.1651 of 2009 dated 16.09.2009 executed by first defendant as a power agent of the 2nd plaintiff to and in favour of 3rd defendant is null and void and not binding on the plaintiffs.

(iii) To declare the sale deed bearing document No.1434 of 2011 dated 7.7.2011 executed by Easwaran to and in favour of 4th defendant registered in the Office of Periamet Sub Registrar Office null and void and not binding on the plaintiff and for cost of the suit.

M.GOVINDARAJ, J.

msr

For Plaintiff : Mr. V. Manisekaran

JUDGMENT

The counsel on record for the plaintiff would submit that he has issued notice on 29.11.2016 to the plaintiffs informing them that the case has been posted on 13.2.2016 for their appearance. Despite receipt of the same on 2.12.2016, the plaintiffs did not appear before this Court.

2. Learned counsel for the plaintiffs has also filed a Memo to that effect stating that the plaintiffs inspite of receipt of notice, are not cooperating with the counsel and give instructions to him to conduct the case and as such, he reports no instructions before this Court on behalf of the plaintiffs.

3. Recording the memo filed by the learned counsel for the plaintiffs, the suit is dismissed for default. No costs. Consequently, the connected OA.No.548 of 2012 is closed.

18.01.2019

Index:Yes/no
Internet:Yes/no
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M.GOVINDARAJ, J.

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