

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 11th DAY OF JULY 2019

THE HON'BLE MS. JUSTICE PUSHPA SATHYANARAYANA

A.No.2819 of 2019

in

C.S. No.783 of 1985

Mrs.Shalini

W/o.Dr. V. N. Sujeer,

Old No.19, New No.2, Second Floor,

3rd Street, Habibullah Road,

T.Nagar, Chennai-600 017.

... Plaintiff

-Versus-

1. Mrs. Radha V. Bhat (Deceased)

2. Dr.V.Suresh (Disinherited)

Residing at Old No.6, New No.10, 3rd Avenue,

Harrington Road, chetpet, and Chennai-600 031.

3. Dr. V. Satish

4. Dr. Mrs. Sheila

5. Dr. Mrs. Sudha

6. Dr. Mrs. Shoba

Defendants 3,4,5 and 6

all residing at Old No.19,

New No.2, 3rd Street,

Habibullah Road, T. Nagar,

Madras 600 017.

... Defendants

A.No.669 of 1991:

Mrs.Shalini

Old No.19, New No.2, Second Floor,

3rd Street, Habibullah Road,

T.Nagar, Chennai-600 017.

...Applicant/Plaintiff

-Versus-

1. Mrs. Radha V. Bhat (Deceased)

2. Dr. V. Satish

3. Dr. Mrs. Sheila

4. Dr. Mrs. Sudha

5. Dr. Mrs. Shoba

Defendants 3,4,5 and 6
all residing at Old No.19,
New No.2, 3rd Street,
Habibullah Road, T. Nagar,
Madras 600 017.

..Respondents/Defendants

A.No.2819 of 2019:

Dr.V.N.Sujeer,
Old No.19, New No.2
Second Floor, 3rd Street,
Habibullah Road,
T.Nagar, Chennai 600 017

..Applicant

-vs-

1.Mrs. Shalini,
2. Dr.V.Satish
3. Dr. (Mrs) V.Sudha,
4.Dr.(Mrs).Shobha
Old No.19, New No.2,
3rd Street, Habibullah Road,
T.Nagar, Chennai 600 017

... Respondents

Application praying that this Hon'ble Court be pleased to direct the registry to incorporate the title as mentioned herein the schedule in the final Decree in item No.2 In Schedule "A" to the Plaint in C.S.No.783/1985.

Schedule A

The schedule A item 2 property in the plaint of C.S.No.783/1985 is a self acquired property of late Dr.M.V.Bhat. He had bequeathed the said property by a registered Will dated 30.09.1981 to his legal heirs. Dr.M.V.Bhat expired on 26.10.1985 and the said Will came into force. In T.O.S.No.42 of 1989 the due execution of the said Will was proved and Letters of Administration was granted to the beneficiaries. In A.No.3817 of 1989 on

05.09.1989 a consent Preliminary Decree was granted to the six beneficiaries under the Will and each is entitled to take 1/6 share therein.

The blue print of the plan showing the whole of item.2 of the Schedule A shall form part of this final Decree.

This application coming on this day before this court for hearing the court made the following order:

This application is filed seeking a direction to the Registry to incorporate the title as mentioned in the schedule in the Final Decree in item No.2 in Schedule A to the plaint in C.S.No.783 of 1985.

2. Since all the learned counsel appearing for respondents 1 to 4, including the learned counsel for the plaintiff, who is the first respondent, had expressed no objection for incorporating the title as prayed for by the fourth defendant, this application was ordered on 10.06.2019.

3. However, on going through the papers, this Court found that in schedule "A" to the Judges summons instead of giving description of the property, the applicant had narrated as to how the property has devolved upon the fourth defendant/the applicant herein, which is not in order.

4. It has to be admitted that the Registry has also made a mistake in passing this application and numbering the same.

5. In view of the above, this application itself is not maintainable. The order dated 10.06.2019 is hereby recalled and this application is dismissed.

Sd/.P.S.N.J
11.07.2019

//Certified to be a true copy//
Dated this the day of 2019.

Su.08.08.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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