

]IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No. 120 of 2018

and

O.A.No. 165 of 2018

R.Grace Sornabai Gnanaselvam

..Plaintiff

Vs.

1.K.Vasanthi
2.R.Daniel Arul Kumar
3.R.Joel Vasanth Kumar
4.S.Thomas Rathnakumar
5.The South Indian Bank Ltd.,
Koyambedu Branch,
Rep. By its Branch Manager,
Chinmaiah Nagar Stage – 1,
Sri Ayyappa Nagar, Chennai – 600 092.

..Defendants

Prayer: Complaint filed under Order IV Rule 1 of Original Side rules r/w. Order VII Rule 1 & 2 of the Code of Civil Procedure praying as follows:-

a) declaring that the registered Release Deed dated 22.03.2017 executed by the 1st defendant in favour of 2nd and 3rd defendants and registered as Document No.1149/2017 on the file of the Office of the Sub-Registrar, Anna Nagar is null and void and against the terms of the settlement deed dated 06.08.2004.

b) declaring that the Memorandum of Deposit of Title Deeds dated 27.04.2017 executed by 2nd and 3rd defendants and registered as Document No.1743/2017 on the file of the Office of the Sub-Registrar, Anna Nagar in favour of the 5th defendant is null and void and against the terms of the settlement deed dated 06.08.2004.

c) granting permanent injunction restraining the defendants 1 to 3 from in any manner alienating or encumbering the suit schedule mentioned property in favour of any third party and thereby creating third party interest in the suit schedule mentioned property during the life time of the 1st defendant.

d) cost of the suit.

e) granting such further relief or reliefs.

For Plaintiff : Mr.G.Kalyan Jhabakh

For Defendants : Mr.K.N.Chinnakrishnan for D5
Mr.B.Dineshkumar for D1 to D4

ORDER

Since the suit is one between the mother and the daughter seeking a declaration that the release deed dated 22.03.2017 executed by first defendant in favour of the defendants 2 and 3 is null and void and for other reliefs. The matter was referred to mediation and the parties have reached an agreement before the Mediation Centre. The Joint Memo signed by the parties and their respective counsels has been filed.

2. In view of the said settlement, the suit is decreed in terms of the consent memo dated 19.08.2019. The said consent memo shall form part of the decree. Consequently, connected application is closed.

3. During the course of O.A.No. 165 of 2018, the bank had filed an affidavit stating that they would offer the property to the plaintiff and her sons in the event, the defendant/ mortgagors commit default in repayment of the loan and the property is brought to sale. The said affidavit was filed in O.A.No. 165 of 2018. The said statement made by the Bank is taken on record.

4. Since the suit has been settled upon a reference to Mediation, the entire Court fee paid on the plaint is directed to be refunded to the plaintiff under Section 69 A of the Tamilnadu Court Fees and Suits Valuation Act.

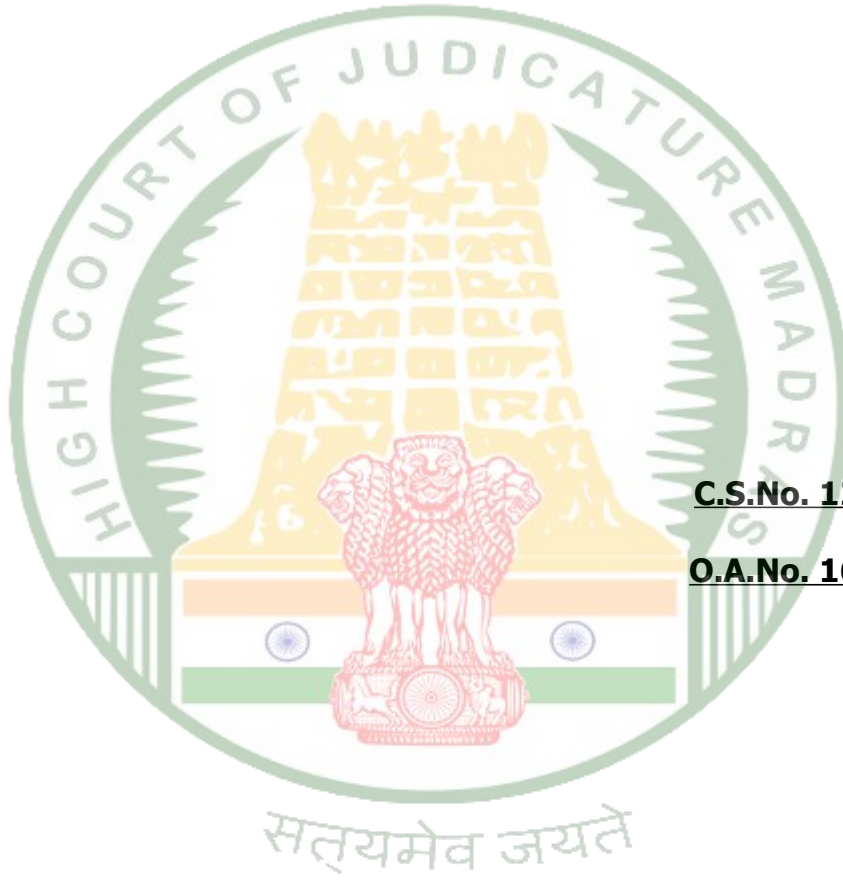
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R.SUBRAMANIAN, J.

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