



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29TH DAY OF JANUARY 2019

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

C.S. No.877 of 2014

AND

O.A.Nos. 13 to 15 of 2015

Mr.Mir Arif Ali
S/o. Late.Sultan Ali
Ground Floor No.14/B,
Buddi Begum Street, Thousand Lights,
Chennai 600 006. ... Plaintiff/Applicant
(in O.A.No.13 of 2015)

Vs.

1. Mrs. Thyaba Banu
W/o. Mir Sadiq Ali
First Floor, No.14/B, Buddi Begum Street,
Thousand Lights
Chennai 600 006.

2. Mrs. Syada Banu
W/o. Mirza Dilawer Ali Baig
No.13/6-2, Andiappan Street,
Perambur, Chennai 600 011.

3. Mr. Mir Anwar Ali
S/o. Late Sulthan Ali
M.I.G.40,
Banni Mandap 2nd Cross
Near Tippu masjid
Mysore 21.

4. Mrs.Nasreen Banu
W/o. Zulfigar Ali
Hakeemi Dawakhana
House No.210, 8th Cross
Near B.M.P. Park and Masjid E-Ala
R.T.Nagar, Bangalore 560032.

5. Mr.Mir Asif Ali
S/o. Late Sulthan Ali
No.6/17, Parappa Field
C-Street, Austin Town,
Bangalore 560 047.



6.The Manager
State Bank Hyderabad
Main Branch
No.45, Second Line Beach,
Chennai - 600 001.

... Defendants/Respondents
(in O.A.No.13 of 2015)

Civil suit praying that this Hon'ble Court be pleased to pass the judgment and decree:

(a) declaring that the settlement deed dated 18.05.2012 registered as Doc.No.611 of 2012 of the S.R.O. Triplicane in respect of the Suit A-Schedule property executed by Late Mr.Sulthan Ali in favour of the defendants 1 to 5 as null and void and not binding on the plaintiff.

(b) For partition of the suit A Schedule property and to allot 37/144 share to the plaintiff.

(c) For partition of the suit B Schedule property and to allot 1/2 share to the plaintiff.

(d) For permanent injunction restraining the defendants, their men, agents and any other person claiming through them from interfering with the possession and enjoyment of the ground floor portion of the suit A Schedule property by the plaintiff till a metes and bounds partition is effected.

(e) For permanent injunction restraining the defendants, their men, agents or any other person claiming through them from alienating or in any manner creating encumbrance over the suit A schedule property till a metes and bounds partition is effected.

(f) For a permanent injunction restraining the 6th defendant from Bank from permitting the defendants to open the Locker No.147-D without the order of this Court till



partition and allotment of share over the suit B Schedule property is effected.

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O.A.No.13 of 2015:

Original Application praying that this Hon'ble Court be pleased to pass an order of ad-interim injunction restraining the 6th respondent/6th defendant Bank from permitting the respondents 1 to 5 / defendants 1 to 5 to open the Locker No. 147-D containing jewelleryes described in the Application schedule without the order of this Hon'ble Court till the disposal of the suit.

O.A.Nos.14 & 15 of 2015:

Mr.Mir Arif Ali
S/o. Late.Sultan Ali
Ground Floor No.14/B,
Buddi Begum Street, Thousand Lights,
Chennai 600 006.

... Plaintiff/Applicant
(in O.A.No.13 of 2015)

Vs.

1. Mrs. Thyaba Banu
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First Floor, No.14/B, Buddi Begum Street,
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3. Mr. Mir Anwar Ali
S/o. Late Sulthan Ali
M.I.G.40,
Banni Mandap 2nd Cross
Near Tippu masjid
Mysore 21.

4. Mrs.Nasreen Banu
W/o. Zulfigar Ali
Hakeemi Dawakhana
House No.210, 8th Cross
Near B.M.F. Park and Masjid E-Ala
R.T.Nagar, Bangalore 560032.



5. Mr.Mir Asif Ali
S/o. Late Sulthan Ali
No.6/17, Parappa Field
C-Street, Austin Town,
Bangalore 560 047.

O.A.No.14 of 2015:

Original Application praying that this Hon'ble Court be pleased to pass an order of ad-interim injunction restraining the respondents, their men, servants, agents or any other persons claiming through them from in any way alienating or creating encumbrances over the application schedule property till the disposal of the suit.

O.A.No.15 of 2015:

Original Application praying that this Hon'ble Court be pleased to pass an order of ad-interim injunction restraining the respondents, their men, servants, agents or any other persons claiming through them from in any way disturbing the possession of the applicant in the ground floor portion of the Application schedule property till the disposal of the suit.

This Civil Suit along with original applications coming on this day before this court for hearing in the presence of Mr.M.Mohideen Pitchai, Advocate for the plaintiff in C.S.No.877 of 2014 and for the Applicant in O.A.Nos. 13 to 15 of 2015 and upon reading the plaint filed in C.S.No. 877 of 2014 and the judges summons and the affidavit of Mir Arif Ali filed in O.A.Nos. 13 to 15 of 2015, and the learned counsel for the plaintiff having made an endorsement on the plaint stating that " I may be permitted to withdraw the case as the matter settled out of court" it is ordered as follows:-

That the suit in C.S.No. 877 of 2014 be and is hereby dismissed as withdrawn.



2. That a certificate under Section 69 of The Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955 (Amended Act), do issue herein, out of and under the seal of this Court in favour of Mr.Mir Arif Ali, the plaintiff herein, authorising him to receive from the Pay and Accounts office, High Court, Chennai, a sum of Rs.2,302/- (Rupees Two thousand three hundred and two only) being entire court fee paid on the plaint by the plaintiff herein.

3. That the connected O.A.Nos. 13 to 15 of 2015 do stand closed.

4. That there shall be no order as to costs of this suit.

WITNESS THE HON'BLE SHRIMATI.VIJAYA KAMLESH TAHILRAMANI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 29th DAY OF JANUARY 2019.

Sd./-
ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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C.S. No.877 of 2014
AND
O.A.Nos. 13 to 15 of 2015

ORDER:

DATED : 29.01.2019

THE HON'BLE MR. JUSTICE
M.GOVINDARAJ

FOR APPROVAL: 25.03.2019

APPROVED ON: 26.03.2019