

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 22ND DAY OF AUGUST 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.5536 OF 2019

in

C.S.No.170 of 2019

G.Muniraj

S/o.C.K.Ganesan

residing at

Door No. D74, 18th 1st Cross Street,

Periyar Nagar, Chennai- 600 082 :Applicant/Plaintiff

Vs.

1.Meganathan

Old No.1/9, New No.38/157

Kodambakkam High Road (M.G.R.Salai)

Grama Street, Nungambakkam, Chennai - 600034

2.Lakshmi

W/o.Mohan

Old No.1/9, New No.38/157

Kodambakkam High Road (M.G.R.Salai),

Grama Street,

Nungambakkam, Chennai- 600 034

:Respondent/Defendant

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This Application praying that this Honble Court be pleased to
issue summon to produce the "suit register abstract" and "binding

judgment. In such cases related the suit No.895/1954 (dismissed on 10-08-1955).

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

This application has been filed to issue summons to produce the Suit Register Abstract and Binding Judgment Book related to the suit in O.S.No.895 of 1954 on the file of the III Assistant City Civil Court, Chennai.

2. The present suit in C.S.No.170 of 2019 is one for recovery of possession of the suit property. The plaintiff claims that he is the son of C.K.Ganesan who had inherited the property from his father along with his brother C.K.Natesan. Therefore, according to the plaintiff, the suit property belong to him and the defendants are trespassers. The plaintiff seeks the above documents only to establish that the property originally belonged to C.K.Ganesan and his brother C.K.Natesan. The suit in O.S.No.895 of 1954 that was filed by the sister of C.K.Ganesan and C.K.Natesan viz., Muniammal was dismissed holding that she is not entitled to a share.

3. The defendants have filed written statement claiming that the plaintiff is not the legal heir of C.K.Ganesan and that they are the legal heirs of C.K.Ganesan and they are in possession in the said capacity. Issues have been framed in the suit. The title of C.K.Ganesan has not been disputed by the defendants in their written statement. Both the plaintiff as well as the defendants are claiming under common ancestor viz., C.K.Ganesan. When the title of C.K.Ganesan is not in dispute, I do not think that it is necessary to

issue summons to the III Assistant City Civil Court, Chennai to produce the Suit Register Abstract and the Binding Judgment Book in O.S.No.895 of 1954.

4. Hence, this application is dismissed.

Sd/.R.S.M.J.

22.08.2019

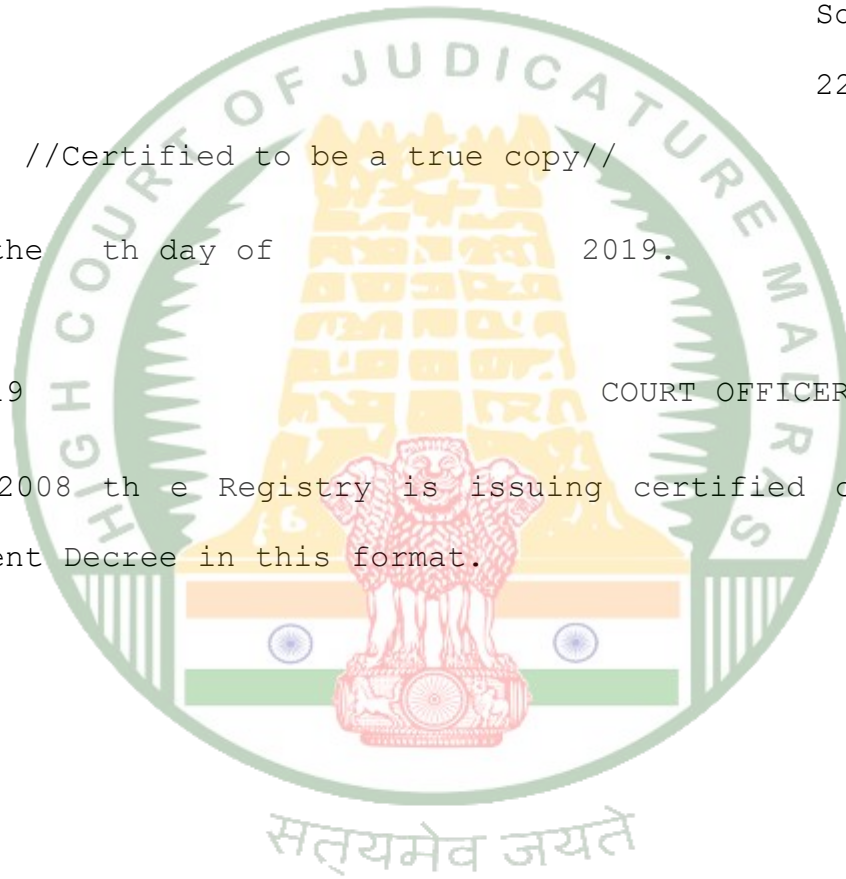
//Certified to be a true copy//

Dated this the th day of 2019.

DL/28.08.2019

COURT OFFICER

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



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