

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 3RD DAY OF SEPTEMBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A. No.6371 of 2019

in

C.S.No.5 of 2019

IN THE MATTER OF SECTION
92 OF CIVIL PROCEDURE
CODE 1908 AND IN THE
MATTER OF SRI SWAMI
DAYANANDA SARASWATHI
MEMORIAL TRUST

C.S.No.5 of 2019:

1. SRI SWAMI DAYANANDA,
SARASWATHI MEMORIAL TRUST,
REPRESENTED BY ITS MANAGING TRUSTEE,
MR.R.KANNAN NO.38, 2ND FLOOR,
VENKATAKRISHNA ROAD R.A.PURAM,
MANDAVELI CHENNAI 600 028.

2. K.VASANTHI
IC 1D 36 SHREYAS APARTMENTS,
4TH SEAWARD ROAD,
VALMIKI NAGAR, THIRUVANMIYUR,
CHENNAI 600 040.

..PLAINTIFFS

सत्यमेव जयते -VS-

SRI RAMACHANDRA EDUCATIONAL TRUST
REPRESENTED BY ITS FOUNDER TRUSTEE,
MR.A.ARANGANATHAN NO.20B MADAM STREET,
KANCHEEPURAM 631 501.

..DEFENDANT

A.No.6371 OF 2019:

1. SRI SWAMI DAYANANDA,
SARASWATHI MEMORIAL TRUST,
REPRESENTED BY ITS MANAGING TRUSTEE,
MR.R.KANNAN NO.38, 2ND FLOOR,
VENKATAKRISHNA ROAD R.A.PURAM,
MANDAVELI CHENNAI 600 028.

2. K.VASANTHI
IC 1D 36 SHREYAS APARTMENTS,
4TH SEAWARD ROAD,
VALMIKI NAGAR, THIRUVANMIYUR,
CHENNAI 600 040.

..APPLICANTS/PLAINTIFFS

-VS-

SRI RAMACHANDRA EDUCATIONAL TRUST
REPRESENTED BY ITS FOUNDER TRUSTEE,
MR.A.ARANGANATHAN NO.20B MADAM STREET,
KANCHEEPURAM 631 501. ...RESPONDENT/DEFENDANT

Application praying that this Hon'ble Court be to permit the Plaintiff to withdraw the Suit C.S.No.5 of 2019 with liberty to file fresh Comprehensive suit at a later date.

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

This application has been filed seeking permission to withdraw the suit in C.S.No.5 of 2019, with liberty to file a fresh comprehensive suit at later date.

2.Heard Mr.R.Thiagarajan, learned counsel for the applicants/plaintiffs and Mr.R.Vasudevan, learned counsel for the respondent/defendant and perused the materials available on record.

3. The plaintiffs would submit that the suit was filed under Section 92 of the Civil Procedure Code to frame scheme, but, some important aspects have been omitted to be incorporated in the plaint. It is further stated that the plaintiffs may not get any relief in the suit due to technical defects and the same cannot be cured by amending the suit.

4. The learned counsel for the respondent has no serious objection for allowing this application.

5. In the light of the above facts, the application is allowed.

Sd/.M.K.K.S.J.

03.09.2019

//Certified to be a true copy//
Dated this the day of 2019.
SU/09.09.2019

COURT OFFICER

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



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