

C.S.No.425 of 2007
and
OA.Nos.611 of 2007, 698 of 2012 & 562 of 2011
and
A.Nos.4896 & 5007 of 2007 & 3027 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.No.425 of 2007
and
OA.Nos.611 of 2007, 698 of 2012 & 562 of 2011
and
A.Nos.4896 & 5007 of 2007 & 3027 of 2011

1. G. Krishnamani
2. Mrs. Usha Sukumar
3. Mrs. Uma Vaidyalingam

... Plaintiffs

Vs.

1. Smt. V. Sita
2. Dr. N. Joseph
3. Dr. D. Sudhakar
4. Sri Bubba Sampath Kumar

5. Mr. A. Rajaram

6. Mrs. K. Suseela

7. Mrs. Mythili Ramaswamy

8. Mr. M.K. Ramaswamy

9. Mr. M. Ramesh

10. Mr. N.R. Ramaswamy

11. Smt. Haripriya

12. Smt. Hamsaveni

13. Mr. S. Varada Iyer

14. Mr. S. Kuppuswamy

15. Mr. K. Satyanarayanan

16. Smt. Jonnalagadda Lakshmi Sivajoythi

17. Smt. Dr. K. Siva Parvathy

18. Mrs. K. Prameela

19. Mrs. D. Vijaya Ramesh

20. Mr. R. Thiagarajan

2/9

21. Mr. T.R. Mohan

22. Mr. T. Sukumar

23. Mr. R. Tirunarayanan

24. Mr. T. Anand

25. Mrs. Mary Arthur Selvaraj

26. Mrs. J. Girija

27. Smt. L. Rukmani

28. Mrs. Lalitha Swaminathan

29. Mr. S. Ravishankar

30. Sri. G. Sudhakar

31. Dr. B. Srinivasan

32. Mrs. T. Mary Alphonse

33. Mr. G. Gurumurthy Mani

34. Mr. G. Viswas Flat Promoters Pvt. Ltd
represented by its Managing Director

Mr. K.A. Shivago S/o Abraham

No.18/22, New Corporation Shopping Complex,

C.S.No.425 of 2007
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1st Floor, 3rd Cross Street, R.A. Puram,
Chennai - 600 028.
(The 34th defendant is impleaded as per
order dated 15.07.2009 in A.No.1936 /09)

35. Mrs. Uma Maheshwari

36. R. Vasanthy

37. Mrs. Maya Karthikeyan

38. M/s. Mahavirs Home

39. Mr. P.B. Krishna Prasad

40. Mr. Suresh Franklin

41. Mr. Benjamin

42. R. Saravanamurthy
(The defendants 35 to 42 are impleaded
as per order dated 28.09.2010
passed in Application No.4897 of 2009)

...Defendants

Prayer: Suit is filed under Order IV Rule 1 read with Order VII Rule 1 of
C.P.C. seeking

i) declaring that the first plaintiff is the absolute owner of the property more

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fully described in Schedule E hereunder and for consequential permanent injunction, restraining the defendants, their agents, servants and men and everyone claiming under them and acting on their behalf from, any way interfering with the first plaintiff's peaceful possession and enjoyment of property more fully described in the Schedule E hereunder or in any manner what so ever;

b) Declaring that the plaintiff 2 and 3 are the absolute owners of the property more fully described in Schedule D hereunder and for a consequential permanent injunction, restraining the defendants, their agents, servants and men and everyone claiming under them and acting on their behalf from, any way interfering with the second and third plaintiff's peaceful possession and enjoyment of property more fully described in the Schedule D hereunder or in any manner what so ever;

c) Directing the defendants to pay the cost of the suit;

For Plaintiffs : Ms. R. Ramya

For Defendants : Mr. K. Venkatasubbaraju for D1, D5, D9, D15, D18, D19, D28 and D29.

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ORDER

As directed by this Court, the plaintiffs have filed an affidavit stating that they will not be filing a fresh suit against the defendants who have given up i.e., defendants 1, 3, 5 to 12, 14 to 21, 30 to 32, 37 and 39 to 41.

2. Considering the above, a memo seeking liberty to withdraw the suit with liberty to file a fresh suit is taken on file and accordingly the suit is dismissed as withdrawn granting liberty to the plaintiffs to institute a fresh suit only against the defendants 22 and 28. Consequently connected Miscellaneous Petitions are closed.

03.11.2020

Internet : Yes/No
Index : Yes/No
Speaking / Non-Speaking
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P.T. ASHA. J.

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A.No.8829 of 2019
and
A.Nos.3027 of 2011, 4896 of 2007
& 5007 of 2007 and
OA.Nos. 562 of 2011, 698 of 2012
& 611 of 2007
and
CS.No.425 of 2007

P.T.ASHA, J.

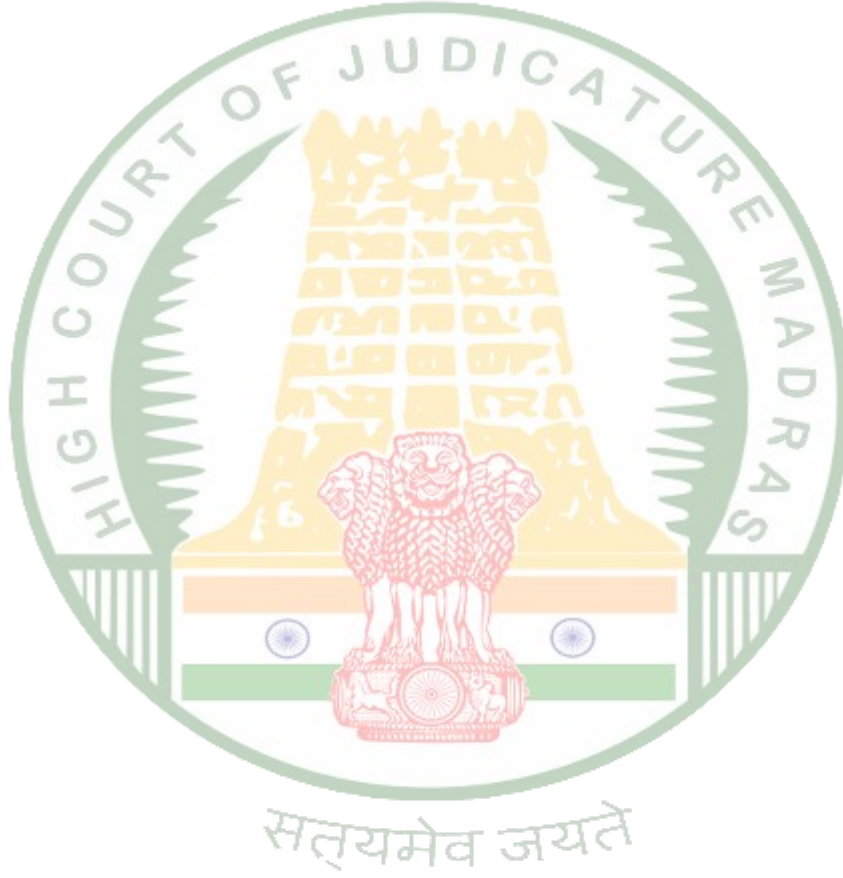
In the order dated 03.11.2020, by an oversight in the penultimate line, it has been stated as defendant 28 instead of defendant 38. Necessary rectification shall be effected and a fresh Judgment copy shall be issued to the counsel.

22.02.2021
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Note: Issue order copy on

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