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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 13TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

C.S. No.47 of 1999

Arulmigu Ekambaranathar Thirukoil,
Kancheepuram, rep. by its
Executive Officer.
Having its office at Thirukoil
at Kancheepuram, Kancheepuram District. ... Plaintiff

Vs.

M/s.Thomas Educational &
Charitable Trust, represented
by its President
having its office at No.22,
Marshalls Road, Egmore,
Chennai 600 008. ... Defendant

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

(a) for recovery of vacant possession of the piece of land bearing
Municipal Corporation Door No.769, Poonamallee High Road, Chennai -
600 010, more fully and particularly described in the Schedule hereunder;

(b) for recovery of arrears of rent Rs.266/- for the period from 1-11-
1997 to 31-5-1998 at the rate of Rs.15.62 per month;



Rs.4,33,260/- per month from 1-6-1998 to 31-10-1998 being
Rs.21,66,300/-;

(d) for recovery of damages for use and occupation at Rs.4,33,260/- per month from 1-11-1998 and at the same rate, till the date of recovery of possession of the property;

(e) for recovery of costs of the suit; and

This Civil suit coming on this day before this court for hearing in the presence of Ms.M.R.Uma Vijayan, Advocate for the Plaintiff herein and Mr.E.Senthil Kumar, Advocate for the defendant herein and upon reading the plaint filed herein, and the learned counsel for the plaintiff having submitted that seeks leave of the Court to withdraw the suit with a liberty to proceed against the Defendant under Sections 78 & 79 of HR & CE Act and to refund the appropriate Court fee paid after withdrawal and also submitted that leave has been already granted by the Commissioner, HR & CE vide letter dated 28.07.2021 ref:No.Se.Mu.Pa.Mu.No:51017/D4. it is ordered as follows:-

That the Suit in C.S.No.47 of 1999 be and is hereby dismissed as withdrawn.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 Arulmigu Ekambaranathar Thirukoil, Kancheepuram, rep. by its Executive Officer, the plaintiff herein, authorising them to receive from the Pay and Accounts office, High Court, Chennai, a sum of Rs.25,227.25/- (Rupees twenty five thousand two hundred and twenty seven and paise twenty five only) being the entire court fee paid on the plaint by the plaintiff herein.

3. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 13th DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

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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02.09.2021

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C.S. No.47 of 1999

ORDER :-

DATED : 13.08.2021

THE HON'BLE MR.JUSTICE
N.SESHASAYEE

FOR APPROVAL: 09.09.2021

APPROVED ON: 14.09.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM : JUSTICE N.SESHASAYEE

C.S.No.47 of 1999

Arulmigu Ekambaranathar Thirukoil,
Kancheepuram, rep. by its
Executive Officer.

... Plaintiff

Vs.

M/s.Thomas Educational &
Charitable Trust, represented
by its President

... Defendant

PRAYER : Civil Suit filed under Order VII Rule 1 of C.P.C. and under Order IV Rule 1 of O.S.Rules:

(a) for recovery of vacant possession of the piece of land bearing
Municipal Corporation Door No.769, Poonamallee High Road,
Chennai - 600 010, more fully and particularly described in the
Schedule hereunder;

(b) for recovery of arrears of rent Rs.266/- for the period from 1-
11-1997 to 31-5-1998 at the rate of Rs.15.62 per month;

(c) for recovery of damages, use and occupation at the rate of



Rs.4,33,260/- per month from 1-6-1998 to 31-10-1998 being

WEB COPY Rs.21,56,3000/-;

(d) for recovery of damages for use and occupation at Rs.4,33,260/- per month from 1-11-1998 and at the same rate, till the date of recovery of possession of the property;

(e) for recovery of costs of the suit; and

(f) for grant of such or other reliefs as may be deemed fit and proper under the circumstances of the case.

For Plaintiff : Ms.M.R.Uma Vijayan

For Defendants : Mr.E.Senthil Kumar

JUDGMENT

The learned counsel for the plaintiff seeks leave of the Court to withdraw the suit with a liberty to proceed against the Defendant under Sections 78 & 79 of HR & CE Act and to refund the appropriate Court fee paid after withdrawal and also submitted that leave has been already granted by the Commissioner, HR & CE vide letter dated 28.07.2021

ref.No.Se.Mu.Pa.Mu.No:51017/D4.



2. In view of the submission made by the learned counsel for the plaintiff, this suit is dismissed as withdrawn. No costs.

3. The Registry is directed to refund the Court fee as per law.

Sd./-(N.S.S.J.)
13.08.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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