

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 29<sup>TH</sup> DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE RAJAMANICKAM

A. Nos.369 and 370 of 2020  
in  
C.S.No.1037 of 2010  
and  
TOS.No.5 of 2012

TOS.No.5 of 2012:-

1. S.Balasubramaniam

:Petitioner/Plaintiff

-Versus-

1. S.Dorairaj (Deceased)  
D1 Rep by his POA D Udayakumar

2. K.Vijayalakshmi

3. K.Kumaran  
D3 Rep by his POA K.Vijayalakshmi

4. K.Manjula

5. Rajeswari Ammal  
N.No.10, Old No.67  
I Block, 9th Cross Street, Anna Nagar,  
East Chennai - 102.

6. Vijaya  
N.No.10, Old No.67  
I Block, 9th Cross Street, Anna Nagar,  
East Chennai - 102.

7. D.Udayakumar  
N.No.10, Old No.67  
I Block, 9th Cross Street, Anna Nagar,  
East Chennai - 102.

8. D.Rajendran  
N.No.10, Old No.67  
I Block, 9th Cross Street, Anna Nagar,  
East Chennai - 102.

9. Manjula Ravi Raj  
N.No.10, Old No.67  
I Block, 9th Cross Street, Anna Nagar,  
East Chennai - 102.

10. Prasad  
N.No.10, Old No.67  
I Block, 9th Cross Street, Anna Nagar,  
East Chennai - 102.

11. Prasanna Kumar  
N.No.10, Old No.67  
I Block, 9th Cross Street, Anna Nagar,  
East Chennai - 102.

12. Uma  
N.No.10, Old No.67  
I Block, 9th Cross Street, Anna Nagar,  
East Chennai - 102.

13. Ramesh  
N.No.10, Old No.67  
I Block, 9th Cross Street,  
Anna Nagar,  
East Chennai - 102.  
(Defendants 5 to 13 brought  
on record as LR's of deceased  
1st defendant as per  
order dated 26.03.2014 in  
Application No.150/14)

: Caveators/Defendants

C.S. No.1037 of 2010:-

1. S.Dorairaj (Deceased)(\*)  
rep. by Power of Attorney,  
D.Udayakumar,  
New No.10, Old No.67, I Block,  
9th Street, Anna Nagar East,  
Chennai-600 102.
2. D.Udayakumar, (\*)  
No.18, Manickeswari Road,  
Kilpauk, Chennai-600 010.
3. D.Rajendran, (\*)  
No.5, Govindan Street,  
West Banu Nagar, Ambattur,  
Chennai-600 053.
4. D.Ramesh Babu, (\*)  
New No.10, Old No.67, I Block,  
Anna Nagar, Chennai-600 102.
5. Manjula Raviraj, (\*)
6. R.Prasad, (\*)
7. R.Prasanna, (\*)  
Plaintiffs 5 to 7 are residing at  
New No.44, Old No.96, F Block,  
First Street, Anna Nagar East,  
Chennai-600 102.
8. Rajeswari, (\*)  
Old No.67, New No.10, I Block,  
Anna Nagar East, Chennai-600 102.
9. R.Vijayakumari, (\*)  
No.17/8, Malaviya Avenue,  
Thiruvanmiyur, Chennai-600 041.

10. S.Umarani,(\*)

No.9, Anna Avenue,  
Chennai-600 020.

... Plaintiffs

(\*)Plaintiffs 2 to 10 brought on record  
as legal heirs of the deceased sole  
plaintiff as per order dated 05.06.2014  
made in A. Nos.723 & 724 of 2014

-Versus-

1. Tmt.S.Sarojini,  
No.7, Vasu Street,  
Kilpauk, Chennai-600 010.

2. S.Balasubramaniam,  
174/93, Poonamallee High Road,  
Purasawakkam, Chennai.

3. Tmt.K.Vijayalakshmi,

4. K.Kumaran,

5. K.Anand,

6. Tmt.K.Manjula,  
3 to 6 are residing at No.244,  
Kilpauk Garden Road, Kilpauk,  
Chennai-600 010.

... Defendants

A Nos.369 and 370 of 2020

Mr.S.Balasubramanian  
174, Ponnammallee High Road,  
Chennai-600 084.

..Applicant/2<sup>nd</sup> Defendant

-Versus-

1.D.Rajendran,  
No.5 Govindan Street,  
West Banu Nagar, Ambattur,  
Chennai 600 053.

..Respondent/3<sup>rd</sup> Plaintiff

2.K.Anand  
244, Kilpauk Garden Road,  
Kilpauk,  
Chennai 600 010.

...Respondent/5<sup>th</sup> Defendant

A.No.369 of 2020:

Application praying that this Hon'ble Court be pleased to pass an order of final decree in respect of the property morefully described in the judges summons and allot the applicant his 1/3<sup>rd</sup> share in the same.

A.No.370 of 2020:

Application praying that this Hon'ble Court be pleased to pass an order for sale of the property described hereunder at the first instance to the three co owners/parties to this application at mutually acceptable rate and on failure of purchase by any of them direct sale of the property to third parties by auction and allot 1/3<sup>rd</sup> share of the sale proceeds to each of the co owners.

These applications coming on this day before this court for hearing, the Court made the following Order:

Both sides counsel appeared through Video Conferencing.

2. The learned counsel for the applicant/second defendant in A.Nos.369 & 370 of 2020 has filed a memo on 22.03.2021 to dismiss the said applications as infructuous. Memo is recorded. A.Nos.369 & 370 of 2020 are dismissed as infructuous.

Sd./-P.R.MJ.  
29/03/2021

//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.

08/04/2021



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