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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 03rd DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

C.S.No.506 of 2011

1. M.MUTHAIAH, Aged 63 Years,
S/o (late) L.K. Muthusamy

2. M.Kousalya, aged 53 Years,
W/o M. Muthaiah
Both husband and wife commonly residing at
No.6, 4th Street, Thillai Ganga Nagar,
Chennai 600 061. ... Plaintiffs

Versus

1. R.Sukumar,
S/o Thiru Ramanujam

2. R.Suseela, W/o R.Sukumar,
Both husband and wife commonly residing at
No.21/B.P.E. Koil Street,
Ayanavaram,
Chennai 600 023.

3. S.S.Builders,
Represented by R.Suseela
No.21/B.P.E. Koil Street,
Ayanavaram,
Chennai 600 023

4. A.Ramanujam
No.21/B.P.E. Koil Street,
Ayanavaram,
Chennai 600 023. ...Defendants

Civil Suit praying that this Hon'ble Court be pleased to grant



a) directing the defendants 1 & 2 to cause proper and correct measurement of the entire constructed area and indicate the plaintiffs' 40% share as per the Builder agreement,

b) to declare that the registered sale deed dt: 6.5.2011, registered as Doc No:2540/11 executed by the First and Second Defendant to and in favour of the 4th defendant and the consequential settlement deed dt:6.5.2011 registered as Doc No:2541 of 2011, executed by 4th defendant to and in favour of the 1st defendant is illegal and unlawful and not binding on the plaintiffs in respect of the immovable property morefully described in Schedule 'E' hereunder;

c) To direct the defendants to pay damages at Rs.19,08,001/-

****d) To direct the defendants to remove the lock and key that was applied illegally and unlawfully in respect of plaintiffs' two flats, one in the first floor and another in the 2nd floor in the suit property that is more fully described in the schedule hereunder:**

(This Prayer (d) alone withdrawn with liberty to file in due course before territorial jurisdiction Court endorsement made in Plaint and Appl:3124/11 order Dated:12/7/11.)**

e) To pay cost of the suit.

This Suit coming on this day before this Court for hearing in the



Ms.G.Jayachandran, Advocate for the defendants 1 to 3 herein and upon reading the plaint filed herein and both side made a joint statement that the matter has been settled and by letter dated 10.04.2014 given to the Registry, the plaintiffs had sought permission to withdraw the suit, it is ordered as follows:-

That the Suit in C.S.No.506 of 2011, be and is hereby dismissed.

2) That a Certificate u/s. 69 of Tamil Nadu Court Fees and Suits Valuation Act, XIV of 1955, do issue herein, out of and under the seal of this Court in favour of (1) M.Muthiah and (2) M.Kousalya, the plaintiffs herein, authorising them, to receive from the Pay and Accounts office, High Court, Madras, a sum of Rs.31,300/- (Rupees Thirty One Thousand and Three Hundred only) being entire Court fee paid on the plaint by the Plaintiffs herein.

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

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 03th DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR(O.S.- I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

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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C.S.No.506 of 2011

ORDER

DATED : 03.12.2021

THE HON'BLE MR. JUSTICE
N.SESHASAYEE

FOR APPROVAL: 05.01.2022

APPROVED ON : 07.01.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SESHASAYEE

C.S. No. 506 of 2011

1. M. Muthiah
 2. M. Kousalya
- ..Plaintiffs

Vs.

1. R. Sukumar
 2. R. Suseela
 3. S.S. Builders,
represented by R. Suseela,
No.21/B, P.E. Koil Street,
Ayanavaram,
Chennai 600 023.
 4. A. Ramanujam
- ..Defendants

Prayer: This Civil Suit is filed under Order VII Rule 1 CPC r/w Order IV Rule 1 of O.S. Rules praying for a judgment and decree (a) directing the defendants 1 and 2 to cause proper and correct measurement of the entire constructed area and indicate the plaintiffs'40% share as per the Builder agreement; (b) to declare that the registered sale deed dated 06.05.2011, registered as Doc. No. 2540/11 executed by the first and second defendants to and in favour of the 4th defendant and the consequential settlement deed dated 06.05.2011 registered as Doc. No. 2541 of 2011, executed by the 4th



defendant, to and in favour of the 1st defendant is illegal and unlawful and not binding on the plaintiffs in respect of the immovable property morefully described in Schedule 'E' hereunder: (c) To direct the defendants to pay damages at Rs.19,08,001/- and d) to pay cost of the suit.

For Plaintiffs :: Mr.B. Manivannan

For Defendants :: M/s. Span Associates for
D1 to D3

J U D G M E N T

Both sides made a joint statement that the matter has been settled and by letter dated 10.04.2014 given to the Registry, the plaintiffs had sought permission to withdraw the suit. Hence, the suit is dismissed as withdrawn. No costs. Registry is required to refund the court-fee as per law.

Sd/- N.S.S.J.
03.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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