

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 08.03.2021

CORAM

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

C.S.No.97 of 2020,

O.A.No.139 of 2020 and

A.Nos.2817 and 2818 of 2020

Anuradha Gopalakrishnan
Daughter of Late Gopalakrishnan
No.4748, Ashford Club Dr.
GA 30338, Atlanta, U.S.A.
also at
No.2, Park Street,
Kilpauk Garden Colony,
Chennai 600010.

.. Plaintiff

vs.

1. Dhino Gopalakrishnan
Son of Late Gopalakrishnan
Old No.2, New No.3, Park Street,
Kilpauk Garden Colony,
Chennai 600010.

2. Mrs. Hyma Gopalakrishnan
W/o Late Gopalakrishnan
Old No.2, New No.3, Park Street,
Kilpauk Garden Colony,
Chennai 600010.

3. N.Manikandan
Son of Mr.K.Narasimhan
161/166 Palgah Colony
Hyderabad 500003.

.. Defendants

Civil Suit filed under Order VII Rule 1 of Code of Civil Procedure read with Order IV Rule 1 of Original Side Rules praying for the following judgment and decree against the defendants.

a) To pass a preliminary decree for partitioning 1/3rd share in the property more fully described in the schedule between Plaintiff and Defendants 1 and 2.

b) To pass a final decree to partition by metes and bounds of the property more fully described in the schedule between Plaintiff and Defendants 1 and 2.

c) To declare mortgage deed dated 20.10.2008 entered into between the defendants as null and void, invalid, non-est in law and the same is not binding upon the plaintiff.

d) to pay the costs of this suit.

For Plaintiff : Mr.G.RM.Palaniappan

For defendants : Mr.C. Ramesh [for D1 & D2]
Mr.S. Ramesh [for D3]

J U D G M E N T

The suit is filed for preliminary decree for partitioning 1/3rd share in the suit property; for final decree to partition by metes and bounds of the suit property and to declare the mortgage deed dated 20.10.2008 entered into between the defendants as null and void and the same is not binding upon the plaintiff with costs.

2. Today when the matter is came up for hearing both the learned counsels appearing for the Plaintiff and Defendants appeared through video conferencing. Learned counsel for the Plaintiff filed Memo through Registry for withdrawing the suit and on the other hand learned counsel appearing for the Defendant made objection in respect to withdraw the suit.

3. Now, on going through the Memo filed by the Plaintiff he intended to withdraw the suit without asking any liberty. In the said circumstances, this Court cannot compel the Plaintiff to proceed with the case after considering the objection raised by the Defendant.

4. In view of the above, Memo filed by the Plaintiff is recorded and the suit is dismissed as withdrawn. Consequently connected Applications are closed. No cost.

08.03.2021

Index: yes/no
Internet: yes/no
Speaking/Non-speaking order
ggs

R. PONGIAPPAN,J.



C.S.No.97 of 2020

WEB COPY **08.03.2021**