

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 17TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N. SESHASAYEE

Tr.C.S.No. 675 of 2013

1. B. Noorjahan,
W/o. Mr. Abdul Basith Khan,
No.7, Thahir Sahib Street,
Mount Road,
Chennai – 600 002.

2. Mrs. Kowsar Begum,
W/o. Mr. J. Syed Shajahan,
113, Choolaimedu High Road,
Chennai – 600 094.

3. Mrs. Rasheeda Begum,
W/o. Mr. Abdul Hafi,
15, Flowers Street, Saidapet,
Chennai – 600 015.

... Plaintiffs

-Vs-

1. M/s. Shifa Hospital & Research Centre,
By its Partners Mrs.Zubaida Begum & Mr. Akthar Hussain,
No.55, Triplicane High Road,
Chennai – 600 005.

2. Dr. Mrs. Zubaida Begum,
W/o. Mr. Akthar Hussain,
No.55, Triplicane High Road,
Chennai – 600 005.

*3. Mr. Akthar Hussain (Deceased),
S/o. Dr.Mr.Mazhar Hussain,
55, Triplicane High Road,
Chennai – 600 005.

4. M/s. Indian Bank,
ARM Branch (Recovery Branch),
Egmore,
Chennai – 8.
- *5. Dr. Khalid Hussain,
S/o. Dr. Akthar Hussain,
- *6. Dr. Sajjad Hussain,
S/o. Dr. Akthar Hussain,
Both at No.55, Triplicane High Road,
Triplicane, Chennai – 600 005. ... Defendants

**Amended as per order dt. 9.1.2012 in
I.A.No. 302/20.**

- * [Defendants 2, 5 & 6 are recorded as
legal representatives of the deceased 3rd
defendant as per order dated 02.03.2018
on Memo in Tr.C.S.No. 675/2013]**

Civil Suit praying that this Hon'ble Court be pleased to pass a preliminary decree against the defendants.

a) Appointing a Court receiver to administer, manage and carry on the business of 1st defendant hospital till the discharge of loan dues by the Defendants 1 to 3 to the 4th Defendant.

b) permanent injunction restraining the 1st, 2nd and 3rd defendants or their men agents, servants and persons acting through them from disposing and or alienating or creating any kind of charge or encumbrance over the suit schedule “C” properties.

c) costs of this suit.

This Civil suit along with the C.S.No.626 of 2012 coming on this day before this Court for hearing in the presence of Mr.S.Sethuraman, Advocate for the defendants herein and the plaintiff herein, not appearing in person or by advocate and upon reading the Plaint filed herein and this Court having observed that neither of the plaintiffs seem to be interested in prosecuting the suit and whatever methods adopted by the Court to secure their presence have also proved to be in vain, **it is ordered as follows:-**

That the suit in Tr.C.S.No. 675 of 2013 be and is hereby dismissed for default.

2. 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 17TH DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//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.

ED
04.01.2022

Tr.C.S.No. 675 of 2013

ORDER

DATED: 17.12.2021

THE HON'BLE MR. JUSTICE
N.SESHASAYEE

FOR APPROVAL: 05/01/2022

APPROVED ON: 06/01/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

C.S. No. 626 of 2012

&

Tr.C.S. No. 675 of 2013

C.S. No. 626 of 2012

1. Abdul Basith Khan
 2. Mrs. B. Noorjahan
- ..Plaintiffs

Vs.

1. M/s. Shifa Hospital & Research
Centre rep. by its Partners
Mrs.Zubada Begum &
Mr. Akthar Hussain
2. Dr.Mrs. Zubaida Begum
3. Dr. Akthar Hussain (Deceased)
4. Dr. Khalid Hussain
5. Dr. Sajjad Hussain

(Defendants 2, 4 and 5 are recorded as the
legal representatives of the deceased 3rd
defendant as per order dated 02.03.2018
on memo in C.S. No. 626 of 2012)

.. Defendants

Prayer: Civil Suit under Order VII Rule 1 CPC read with Order IV Rule 1 of O.S. Rules praying for a judgment and decree against the defendants jointly and severally a) directing the first to third defendants to pay a sum of Rs.2,00,00,000/- (Rupees Two Crores) together with interest at 18% per annum from the date of plaint till date of realization in full b) declaring that the settlement deed dated 26.08.2008, registered as Document No. 1093 of 2008 executed by second defendant in favour of fourth and fifth defendants in respect of schedule C mentioned property as null and void c) costs of the suit.

For Plaintiffs :: No appearance

For Defendants :: Mr.S. Sethuraman for
D1 to D3

Tr.C.S. No. 675 of 2013

1. Mrs.B. Noorjahan
 2. Mrs. Kowsar Begum
 3. Mrs. Rasheeda Begum
- ..Plaintiffs

Vs.

1. M/s. Shifa Hospital & Research Centre,
by its Partners Mrs. Zubaida Begum &
Mr. Akthar Hussain
No.55, Triplicane High Road,
Chennai – 600 055.
2. Dr. Mrs. Zubaida Begum
3. Mr.Akthar Hussain (Deceased)
4. M/s. Indian Bank
ARM Branch (Recovery Branch)
Egmore, Chennai – 8.

5. Dr. Khalid Hussain

6. Dr. Sajjad Hussain

(Defendants 2, 5 and 6 are recorded as legal representatives of the deceased 3rd defendant as per order dated 02.03.2018 on memo in Tr.C.S. No. 675 of 2013)

..Defendants

Prayer: Original Suit in O.S. No. 7512 of 2010 on the file of VIII Additional City Civil Court, Chennai praying for a)appointing a court receiver to administer/manage and carry on the business of 1st defendant hospital till the discharge of loan dues by the defendants 1 to 3 to the 4th defendant b) permanent injunction restraining the 1st, 2nd and 3rd defendants or their men, agents, servants and persons acting through them from disposing and or alienating or creating any kind of charge or encumbrance over the suit schedule "C" properties c) costs of the suit, has been transferred to the file of this Court as per order dated 21.08.2013 in Tr.A. No. 1110 of 2013 and renumbered as Tr.C.S. No. 675 of 2013.

For Plaintiffs :: No appearance

For Defendants :: Mr.S. Sethuraman for
D1 to D3

COMMON JUDGMENT

Neither of the plaintiffs seem to be interested in prosecuting the suit and whatever methods adopted by the Court to secure their presence have also proved to be in vain. Hence, both the suits are dismissed for default. No costs.

Sd./-N.S.S.J.,
17.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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