

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM : JUSTICE N.SESHASAYEE

C.S.No.869 of 2013
& O.A.Nos.1009 & 1010 of 2013
& A.No.7841 of 2018

H.H.Aswathi Thirunal
Rama Varma

... Plaintiff

Vs.

1.A.C.R.Raaj Ganesan
2.B.R.Raam Prabhu Raaj
3.H.H.Pooyam Thirunal
Gouri Parvathi Bayi
4.H.H.Aswathi Thirunal
Lekshmi Bayi
5.H.H.Moolam Thirunal
Rama Varma
6.H.H.Avittam Thirunal
Aditya Varma
7.H.H.Uthradam Thirunal Padmanabha
Dasa Marthanda Varma Ilaya Raja
8.M/s.Pen Resorts Ltd.,
Rep by its Director
Sarath Kakumanu,
133, Nelson Manickam Road,
Chennai - 600 029.

... Defendants

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

- I. declare that the Memorandum of Understanding dated 20/11/2006 alleged to have been executed by the plaintiff as null and void; vitiated by fraud and being sham and nominal and unenforceable in the eye of law;
- II. declare that the Deed of Sale dated 09/10/2012 registered as Pending Doc.No 120/2012 on the file of the Sub-Registrar of Assurances, Adyar as null and void, non-est, vitiated by fraud and being sham and nominal;
- III. for a permanent injunction restraining the first and second defendants, their men, agents, servants, person or persons acting through or under them, or for and on their behalf, from in any manner, whatsoever, interfering with the peaceful possession, enjoyment, occupation, use of the plaintiff share of the property, described in Schedule to the plaint;
- IV. for permanent injunction restraining the first and second defendants, their men, agents, servants, person or persons acting through or under them, or for and on their behalf, from in any manner, whatsoever, alienating, encumbering, parting with possession, occupying the property, described in Schedule to the plaint;
- V. directing the defendants 1 and 2 to execute necessary deed of cancellation of the Sale Deed dated 9/10/2012 within the time to be stipulated by this Hon'ble Court

and on their failure direct the Learned Assistant Registrar Original Side, High Court, Madras to execute necessary document in this regard;

VI.for the costs of the suit; and

VII.pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Plaintiff : Mr.R.Cibichakravarthy
For D1 : Mr.C.Jagadish

JUDGMENT

The learned counsel for the plaintiff appeared on-line and made a statement on instructions that he is withdrawing the suit as the parties have amicably settled the issue out of Court.

2.In view of the above, this Civil Suit is dismissed as withdrawn. No costs. Consequently, the connected Applications are closed. The Registry is directed to refund the Court fee as per law.

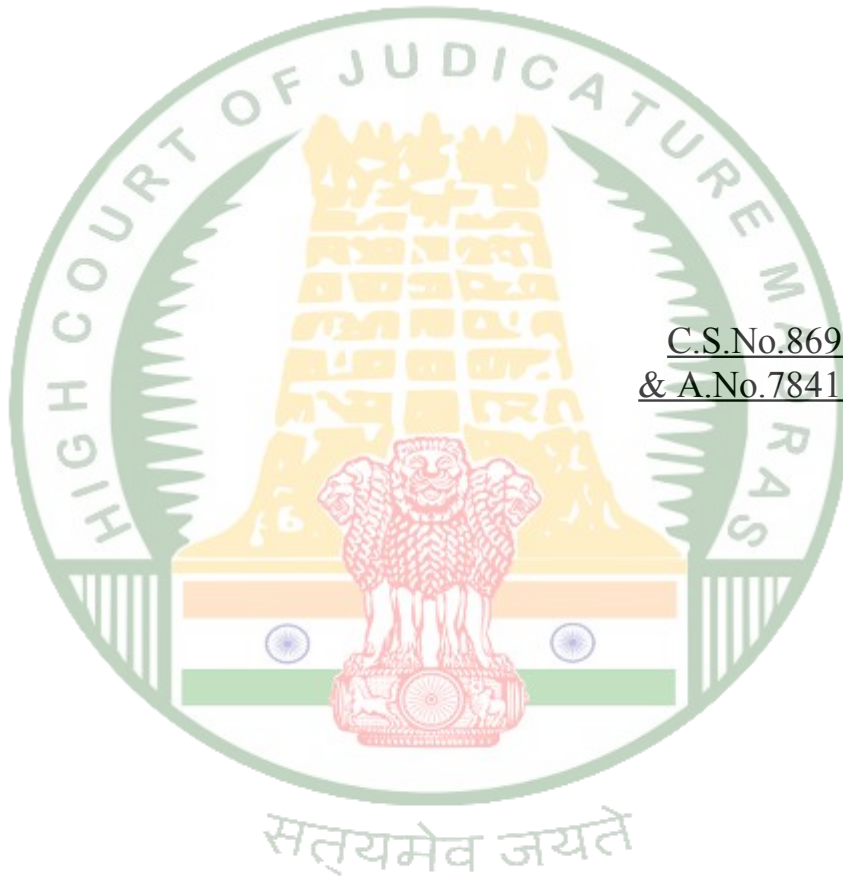
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Tsg
Index : Yes / No
Speaking Order / Non-speaking order

N.SESHASAYEE.J.,

C.S.No.869 of 2013

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