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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 4th DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE P.RAJAMANICKAM

A. No.1854 of 2020

in

C.S. No.624 of 2014

Mrs.Anuradha Sarin,
aged about 53 years,
D/o.late M.Suryanarayan,
W/o.Mr.Deepak Sarin,
residing at No.2/D, Charles Court,
Rest House Road, Bangalore-560 001.

... Plaintiff

-Versus-

1. Mr.Madan Suri,
S/o.Late M.Suryanarayan,
3, Knollwood Lane, Darien,
Connecticut 06820, U.S.A.
2. Mr.Jagan Suri,
S/o.Late M.Suryanarayan,
616, Pelham Road, St.Augustine,
Florida 32092, U.S.A.
3. Mrs.Mridula Gettu,
D/o.Late M.Suryanarayan,
No.18, Alexandria Road, EE
Sona Garden Apartments,
Bangalore-560 025.
4. The Bank of India,
having its Branch at
No.172, Luz Church Road,
Mylapore P.O. Box 643,
Chennai, rep. by its Branch Manager,



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and its Zonal Office at
Bank of India, Star House No.30,
Old No.17, Second Floor,
Errabalu Street, Chennai-600 001.
and its Head office at
Star House, C-5, G Block,
Bandra Kurla Complex,
Bandra (East), Mumbai-400 051
rep. by its Chairman and
Managing Director

... Defendants

A. No.1854 of 2020:-

1. Mr.Madan Suri,
3, Knollwood Lane, Darien,
Connecticut 06820, U.S.A.

... Applicant/1st Defendant

2. Mr.Jagan Suri,
616, Pelham Road, St.Augustine,
Florida 32092, U.S.A.

...Applicant/2nd Defendant

-Versus-

1. Mrs.Anuradha Sarin,
No.2/D, Charles Court,
Rest House Road,
Bangalore-560 001.

... Respondent/Plaintiff

2. Mrs.Mridula Gettu,
EE, Sona Garden Apartments,
No.18, Alexandria Road,
Bangalore-560 025.

...Respondent/3rd Defendant

4. The Bank of India,
having its Branch at
No.172, Luz Church Road,
Mylapore P.O. Box 643,
Chennai, represented by its Branch Manager,
and its Zonal Office at
Star House No.30,



Old No.17, Second Floor,
Errabalu Street, Chennai-600 001.
and its Head office at
Star House, C-5, G Block,
Bandra Kurla Complex,
Bandra (East), Mumbai-400 051
Rep. by its Chairman and
Managing Director

... Respondent/Defendant 4th Defendant

Application praying that this Hon'ble Court be pleased to decide
and determine the issue of Court fee as a preliminary issue.

This Application having been heard on 11.01.2021 in the
presence of Mr.P.J.George, Advocate for the applicant herein and
Mr.Adeesh Anto, Advocate for the 1st respondent herein and
Mr.S.Vasudevan advocate for the 3rd respondent herein and upon reading
the Judge's Summons and the affidavit of Madan Suri filed herein and
having stood over of consideration till this date and coming on this day
before this Court for orders in the presence of the said advocates for the
parties hereto and this Court having observed that the alleged partition is
not true or not valid and the same will not bind upon the plaintiff, certainly,
the plaintiff is entitled to claim as one of the landlords and in such a case,
the fourth defendant cannot deny the title of the plaintiff and so, the issue
as to whether the plaintiff is in joint possession of the property or not, can
be decided only after taking evidence and therefore, the said issue cannot be
decided as preliminary issue,



it is ordered as follows:-

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That the A.No.1854 of 2020 be and is hereby dismissed.

2. That there shall be no costs of this Suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
04th DAY OF FEBRUARY 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//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.



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01.10.2021

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A. No.1854 of 2020
in
C.S. No.624 of 2014

ORDER :-

DATED: 04.02.2021

THE HON'BLE MR. JUSTICE
P.RAJAMANICKAM

FOR APPROVAL: 01.10.2021

APPROVED ON: 04.10.2021

Copy to:-

The Bank of India,
represented by its Branch
Manager, with
its Zonal Office at Bank of India,
Star House No.30, Old No.17,
2nd Floor, Errabalu Street,
Chennai 600 001

The Chairman and Managing
Director
Head office at Star House,
C-5, G Block,
Bandra Kurla Complex,
Bandra (East), Mumbai-400 051.