

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Civil Suit No.817 of 2016

N.Kalyani,
W/o.S.Neelakantan,
No.42, Ramakrishnapuram,
5th Street, Mylapore,
Chennai - 600 004.

Plaintiff

...
versus

- 1.CT.Saraswathi Achi,
W/o.Late Dr.M.Chidambaram,
No.60, Bheemanna Garden Street,
Alwarpet, Chennai - 600 018.
- 2.Dr.S.Parameswaran also known as Alappan Sabesan,
S/o.Late C.Sabesan,
No.60, Bheemanna Garden Street,
Alwarpet, Chennai - 600 018.
- 3.S.Ramaswamy,
S/o.Late R.Subramania Vathiyar,
No.5/3, Radhakrishnan Nagar Main Road,
Thiruvanmiyur, Chennai - 600 041.
- 4.A.Mohammed Saleem,
S/o.Late M.A.Azeez,
No.36, Old No.82, Poes Garden,
Chennai - 600 086.

5.K.R.Basha,
S/o.Raja Mohamed,
New No.110, Old No.56,
Second Street, Parameswari Nagar,
Adyar, Chennai - 600 020.

6.K.Murugan,
S/o.Kasi,
New No.2, Old No.6,
Dhanalakshmi Avenue,
Kasturiba Nagar, Adyar,
Chennai - 600 020.

... Defendants

Prayer: Plaintiff filed under Order IV Rule 1 of the Madras High Court Original Side Rules, 1956 read with Order VII Rule 1 of C.P.C., praying for the following judgment and decree as against the defendants;

(i) for the relief of declaration, declaring that the plaintiff is the owner of the suit schedule properties;

(ii) for the relief of declaration, declaring that the sale deed dated 19.02.2015, registered as Document No.433 of 2015 in the Office of the Sub Registrar, Adyar, purported to be executed by the defendants 1 & 2 through their power of attorney, the 3rd defendant in favour of the 4th defendant in respect of the suit schedule properties as sham and the same as void and unenforceable and not binding on the plaintiff;

(iii) for the relief of permanent injunction restraining the 3rd and 4th defendants, their men, agents, servants or anyone claiming under them from dealing with/alienating and/or altering and putting up construction in the suit schedule properties;

(iv) for a relief of mandatory injunction directing the 4th defendant to deliver and handover the vacant possession of the suit schedule properties to the plaintiff; and

(v) for the costs of the suit.

For Plaintiff : No Appearance
For Defendant Nos.1 to 4 : Mr.M.Arikarasudan
For Defendant Nos.5 & 6 : No Appearance

JUDGMENT

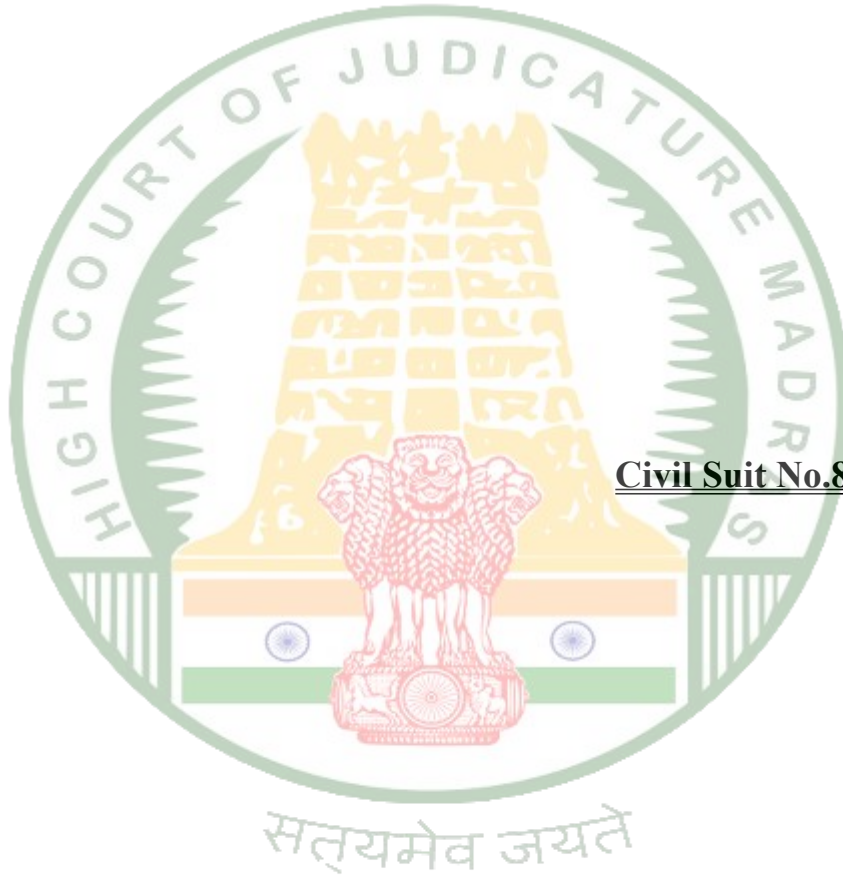
Today, when the suit is taken up for hearing, there was no representation on behalf of the plaintiff. Learned counsel for the defendants 1 to 4 alone present. Documents perused. In spite of repeated adjournments, even after showing the name of the plaintiff in the cause list and also, the matter is listed under the caption "for dismissal", none have been appeared on behalf of the plaintiff. Hence, this Civil Suit is dismissed for default. However, there is no order as to costs.

05.02.2021

Speaking order / Non-speaking order
Index : Yes / No
Internet : Yes
sri

R.PONGIAPPAN, J.

sri



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