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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 9TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

C.S.No.105 of 2014

and

O.A.Nos.133 & 134 of 2014

C.DARMA

S/o.Chenna Gowda,
No.19, Gandhi Nagar Main Road,
Ekkatuthangal, Chennai 600 032.

... Plaintiff/Applicant

Vs.

A.Felescita
W/o.Late Rajkumar,
No.24/3, 2nd Floor, 3rd Lane Street,
Lawzaraz Chruch Road,
Mandavelipakkam,
Chennai 600 028.

... Defendant/Respondent

Civil Suit praying that this Hon'ble Court be pleased to pass a
Judgement and Decree against the Defendant.

(a) Directing the defendant to specially enforce the Sale Agreement
dated 06.01.2012 by executing the Sale Deed in favour of the Plaintiff or
his nominees after receiving the balance sale consideration in respect of the
suit property situate at bearing Survey No.1401/42, B-2, bearing Plot
No.28, 32A, 29A, 30A & 31A, Sri Raja Nagar layout, measuring to an
extent of 17,957 sq. ft. or 41 cents at Thaiyur Village, Kanchipuram



District. (morefully described in the schedule hereunder).

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In the event of failure of the defendant to execute the sale deed in favour of the plaintiff the Assistant Registrar of this Court to execute the sale deed on behalf of the Defendant, in favour of the plaintiff or his nominees in respect to the suit property situate at bearing Survey No.1401/42, B-2, bearing Plot No.28, 32A, 29A, 30A & 31A, Sri Raja Nagar layout, measuring to an extent of 17,957 sq. ft. or 41 cents at Thaiyur Village, Kanchipuram District. (morefully described in the schedule hereunder).

b) This Hon'ble Court may be pleased to award costs of the suit.

O.A.No.133 of 2014

Original Application praying that this Hon'ble Court be pleased to grant a Temporary Injunction restraining the Respondent/Defendant her servants or anybody or everybody claiming on her behalf from interfering with applicant's peaceful possession and enjoyment of the suit schedule hereunder pending disposal of the above suit.

O.A.No.134 of 2014

Original Application praying that this Hon'ble Court be pleased to grant an ad interim Injunction restraining the Respondent/Defendant her agent anybody on her behalf from alienating or encumbering the suit



the above suit.

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This Civil Suit along with these Original Applications coming on this day before this Court for hearing through video conference in the presence of plaintiff herein not appearing in person or by advocate and upon reading the judge's summons and the affidavit of C.Darma filed in O.A.Nos.133 & 134 of 2014 and the plaint filed herein,

it is ordered as follows:-

That the suit in C.S.No.105 of 2014 be and is hereby dismissed for default.

2. That the O.A.Nos.133 & 134 of 2014 do stand closed.

3. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 9th DAY OF AUGUST 2021.

Sd./-

ASSISTANT REGISTRAR (Comm.Cases)

//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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27.08.2021

C.S.No.105 of 2014
and
O.A.Nos.133 & 134 of 2014

ORDER:-

DATED :09.08.2021

THE HON'BLE MR.JUSTICE
N.SESHASAYEE

FOR APPROVAL: 28.09.2021

APPROVED ON: 28.09.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

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THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

C.S.No.105 of 2014
and O.A.Nos.133 & 134 of 2014

C.DARMA

S/o.Chenna Gowda

... Plaintiff

Vs.

A.FELESCITA

W/o.Late Rajkumar

... Defendant

Prayer: The Civil Suit has been filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of C.P.C. 1908, praying (a)for directing the defendant to specially enforce the Sale Agreement dated 06.01.2012 by executing the Sale Deed in favour of the Plaintiff or his nominees after receiving the balance sale consideration in respect of the suit property situate at bearing Survey No.1401/42, B-2, bearing Plot No.28, 32A, 29A, 30A & 31A, Sri Raja Nagar layout, measuring to an extent of 17,957 sq. ft. or 41 cents at Thaiyur Village, Kanchipuram District and in the event of failure of the defendant to execute the sale deed in favour of the plaintiff the Assistant Registrar of this Court to execute the sale deed on behalf of the Defendant, in favour of the plaintiff or his nominees in respect to the suit property situate at bearing Survey No.1401/42, B-2, bearing Plot No.28, 32A, 29A, 30A & 31A, Sri Raja Nagar layout, measuring to an extent of 17,957 sq. ft. or 41 cents at Thaiyur Village, Kanchipuram District.



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JUDGMENT

(This case has been heard through video conference)

The counsel for the plaintiff has not logged in. The Commissioner has not made his appearance right from 18.03.2014, thereafter on 24.10.2018 and then on 16.11.2018, then on 26.02.2021, 19.03.2021 and 15.07.2021. No representation on the last three occasions may have to be seen in a backdrop of Covid protocol in holding the Court. So far as the plaintiff is concerned, his attitude to litigation is disappointing right from the year 2014. This Court considers that even though this Covid Pandemic impediments to prosecute the case, taking into account the general attitude of the plaintiff towards his own litigation is satisfying that the Court need not be charitable to the plaintiff any longer. The suit is dismissed for default. Consequently, the connected applications are closes. No costs.

Sd./- N.S.S.J
09.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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