



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF FEBRUARY 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S. No.1568 of 1994

1. M/s. Bhaskara Constructions Pvt Ltd.,
rep. by M.Baskaran, Managing Director,
East Coast Centre, 5th floor,
553, Anna Salai, Madras - 18.

2. Overseas Packaging Industries Pvt. Ltd.,
rep. by Shri U.S.Modi, Director,
having its office at
96/1, Luz Church Road,
Ganesh Tower Basement,
Mylapore, Madras 600 004.

...Plaintiffs

versus

1. M/s. Seven Hills Real Estate,
rep. by its Managing Partner,
P.N.Arumugham,
having its registered office at No.14,
Davidson Street, Madras - 1.

2. P.N.Arumugham,
S/o. late P.Nalachakravarthy Chettiar,
residing at No.33,
Krishnan Koil Street,
Madras-1.

3. Mrs. P.N.Chandran,
Wife of Late P.N.Chandran,
residing at No.33,
Krishnan Koil Street,
Madras-1.



4. P.N.Thiagarajan,
S/o. Late P.Nalachakravarthi Chettiar,
residing at No.37,
Muthumari Chetty Street,
Madras-1.

5. P.N.Lakshmi,
D/o. Late P.Nalachakravarthi Chettiar,
residing at No.161, Bells Road,
Madras-5.

6. P.N.Saraswathi,
D/o. Late P.Nalachakravarthi Chettiar,
residing at No.161, Bells Road,
Madras-5.

7. P.N.Subramaniam,
S/o. late P.Nalachakravarthi Chettiar,
residing at No.33,
Krishnan Koil Street,
Madras-1.

8. P.N.Shanmugam,
S/o. Late P.Nalachakravarthi Chettiar,
residing at No.161, Bells Road,
Madras-5.

9. P.S.Srinivasan,
S/o. P.N.Shanmugam,
residing at No.161, Bells Road,
Madras-5.

10. P.S.Mani
S/o. P.N.Shanmugam,
residing at No.161, Bells Road,
Madras-5.

11. M/s. A.R. Builders Pvt. Ltd.,
rep. by its Director Mr. Pradip M Shah,
14, Sydenhams Road,
Madras 112.

...Defendants



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Civil Suit praying that this Hon'ble Court be pleased to pass Judgment and Decree against the defendants:

a) Directing the Defendants 1 to 10 to specifically perform the terms of the agreement dated 7.3.91 entered into between the First Plaintiff and Defendants 1 to 10 in respect of the Schedule property and consequently honour the terms of the agreement dated 23.8.92 entered into by Defendants 1 to 10 through the 1st Plaintiff with the Second Plaintiff in respect of the Schedule Property.

b) for a declaration that the powers of attorney dated 14.3.91 executed by defendants 2 to 7 in favour of the first Plaintiff and power of attorney dated 25.3.91 executed by Defendants 8 to 10 in favour of the First Plaintiff are valid and subsisting and the defendants 1 to 10 are bound to honour all obligations entered into the by the Plaintiff with all parties in pursuance of the said power of attorney dated 14.3.91 and 25.3.91

c) Declare the cancellation of Power of Attorney deeds dated 12.10.92 and 14.10.92 as void.

d) Declare the Power of Attorney executed in favour of the Defendant 11 by defendant 1 to 10 dated 15.4.93 as void.

e) Direct Defendants 1 to 11 to return the original of the title deeds of the Schedule Property to the Plaintiffs.



f) cost of the suit.

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This Civil Suit coming on this day before this court for hearing in the presence of Mr. N.S.Varadachari, Advocate for the defendants 1 and 2 herein and Mr. M.Thulasidass, Advocate for the defendants 9 and 10 herein and Mr. T.V.Krishnamachari, Advocate for the 11th defendant herein and the plaintiffs herein having not appeared in person or by advocate and upon reading the plaint filed herein and this Court having observed that there is no representation for the plaintiffs herein, **it is ordered as follows:-**

That the suit in C.S.No.1568 of 1994 be and hereby is dismissed for non-prosecution.

2) That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 21ST DAY OF FEBRUARY 2022.

Sd/-

ASSISTANT REGISTRAR(O.S.I)

//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.



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13.04.2022

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C.S. No.1568 of 1994

ORDER

DATED : 21.02.2022

THE HON'BLE MRS.JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL : 13.04.2022

APPROVED ON : 18.04.2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED: 21.02.2022

CORAM:

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**

C.S.No.1568 of 1994

1. M/s.Bhaskara Constructions Pvt Ltd.,
rep. by M.Baskaran, Managing Director,
East Coast Centre, 5th floor,
553, Anna Salai, Madras - 18.

2. Overseas Packaging Industries, Pvt.Ltd.
rep. by Shri U.S.Modi, Director,
having its office at
96/1, Luz Church Road,
Ganesh Tower Basement,
Mylapore, Madras - 600 004.

.. Plaintiffs

Vs.

1.M/s.Seven Hills Real Estate,
rep. by its Managing Partner,
P.N.Arumugham.

2. P.N.Arumugham

3. Mrs.P.N.Chandran

4. P.N.Thiagarajan

5. P.N.Lakshmi

6. P.N.Saraswarthi

7. P.N.Subramaniam

8. P.N.Shanmugam

9. P.S.Srinivasan



10. P.S.Mani

11. M/s.A.R.Builders Pvt.Ltd.,
rep. by Mr.Pradip M Shap Director,
14, Sydenhams Road,
Madras 112.

.. Defendants

PRAYER:- Complaint filed under Order IV rule 1 Original Side Rules read with Order VII Rule 1 of CPC to pass a Judgment and decree against the defendants as follows;

a)directing the Defendants 1 to 10 to specifically perform the terms of the agreement dated 07.03.1991 entered into between the First Plaintiff and Defendants 1 to 10 in respect of the Schedule Property and consequently honour the terms of the agreement dated 23.08.1992 entered into by Defendants 1 to 10 through the 1st Plaintiff with the Second Plaintiff in respect of the Schedule Property.

b) for a declaration that the powers of attorney dated 14.03.1991 executed by defendants 2 to 7 in favour of the first plaintiff and power of attorney dated 25.03.1991 executed by Defendants 8 to 10 in favour of the First Plaintiff are valid and subsisting and the defendants 1 to 10 are bound to honour all obligations entered into by the plaintiff with all parties in pursuance of the said power of attorney dated 14.03.1991 and 25.03.1991.

c) Declare the cancellation of Power of Attorney deeds dated

12.10.1992 and 14.10.1992 as void.



d) Declare the Power of Attorney executed in favour of the Defendant

11 by defendant 1 to 10 dated 15.04.1993 as void.

e) Direct Defendants 1 to 11 to return the original of the title deeds of the Schedule Property to the Plaintiffs.

f) Cost of the suit.

For Plaintiffs : No appearance

For Defendants : Mr.N.S.Varadachari, For D1 & D2.

Mr.M.Thulasidass, For D9 & D10.

Mr.T.V.Krishnamachari, For D11.

ORDER

When the matter was listed on 17.02.2022, there was no representation for the plaintiff either in person or through counsel. Hence, the matter was directed to be posted under the caption “For Dismissal” on 21.02.2022.

Even today, there is no representation for the plaintiff. Hence, the Civil Suit stands dismissed for non-prosecution. No costs.

Sd/-V.B.S.J.
21.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)