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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 19th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S.No.5 of 2022

and

O.A.No.14 of 2022

Mr. Rajender Singh,
S/o. Sri Poonam Chand,
No.126, Govindappa Naicken Street,
Sowcarpet, Chennai - 600 079.

...Plaintiff / Applicant

VS

1. Jithendra Kumar Roopchand & Sons (HUF)
represented by its Kartha
Mr.Jithendra Kumar Roopchand,
residing at No. 88/1/5, Narayana Mudali Street,
Chennai - 600 079.

2. Sri Raj & Co

Govt. Auctioneers represented by its Manager
No.7, 1st Floor, Sunkurama Chetty Street,
Chennai - 600 001.

... Defendants / Respondents

C.S.No.5 of 2022:-

Civil Suit praying that this Hon'ble Court be pleased to pass a
judgment and decree against the defendants:

a) declaring that the Auction Notice issued by the Second Defendant

at the instance of the First Defendant fixing the auction on 20.01.2022 and

upset price at Rs.4,50,00,000/- is null and void and invalid in law.



b) Granting a permanent injunction restraining the defendants or any person acting on their behalf from in any manner bringing the schedule mentioned property to sale either by way of public auction or private sale.

c) award cost of the suit.

O.A.No.14 of 2022:-

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the respondents/defendants or any other person acting on their behalf from in any manner from bringing the schedule mentioned property to sale either by way of public auction or private sale in pursuant to Auction Notice issued by the Second Defendant at the instance of the First Defendant fixing the auction on 20.01.2022 or any further date pending disposal of the above suit.

This Civil Suit along with the application coming on this day before this Court for hearing in the presence of Mr.R.Abdul Mubeen, Advocate for the plaintiff in C.S.No.5 of 2022 and for the applicant in O.A.No.14 of 2022 and upon reading the plaint filed in C.S.No.5 of 2022 and the judge's summons and the affidavit of Rajender Singh filed in O.A.No.14 of 2022, and the learned counsel for the plaintiff having submitted that the matter

has been settled out of Court, and this Court doth recording the said



statement, **it is ordered as follows:-**

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That the suit in C.S.No.5 of 2022 be and is hereby dismissed as settled out of Court.

2) That a certificate under Section 69 of the Tamil Nadu Court Fees and Suits Valuation Act 1955, do issue herein, out of and under the seal of this Court in favour of Rajender Singh, the plaintiff herein, authorising him to receive from the pay and Accounts office, High Court, Madras a sum of Rs.3,00,330/- (Rupees Three Lakhs Three Hundred and Thirty Only) being the entire Court fee paid on the plaint by the plaintiff herein.

3) That the O.A.No.14 of 2022 do stand closed.

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

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 19th DAY OF JANUARY 2022.

Sd/-

ASSISTANT REGISTRAR(O.S.- I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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23.02.2022

24.02.2022

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C.S.No.5 of 2022
and
O.A.No.14 of 2022

ORDER

DATED : 19.01.2022

THE HON'BLE MR. JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 28.02.2022

APPROVED ON : 01.03.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

**C.S.No.5 of 2022
and O.A.No.14 of 2022**

Mr. Rajender Singh

... Plaintiff

Versus

1. Jithendra Kumar Roopchand & Sons (HUF)
represented by its Kartha
Mr.Jithendra Kumar Roopchand,
residing at No.88/1/5, Narayana Mudali Street,
Chennai - 600 079.

2. Sri Raj & Co,
Govt. Auctioneers represented by its Manager
No.7, 1st Floor, Sunkurama Chetty Street,
Chennai - 600 001.

.... Defendants

Suit is filed for declaration and permanent injunction.

For Plaintiff : Mr.R.Abdul Mubeen

ORDER

When the matter is taken up for hearing today, learned counsel for the

plaintiff, Mr.R.Abdul Mubeen submits that the matter has been settled out



of Court.

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2. The said statement is recorded.

3. Accordingly, the suit is dismissed as settled out of Court and refund of full Court fee is ordered. No costs. Consequently, connected application is closed.

Sd/- A.Q.J.
19.01.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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