



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 18TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.286 of 2011

1.Mrs.Maria Doris,
No.16, 2nd Cross,
Ramaiah Layout,
St.Thomas Town Post,
Kammana Halli, Bangalore - 560 084

2.D.Danis Veron (Minor)
D/o.Maria Doris,
Represented by Mother and Natural guardian
Mrs.Maria Doris, 1st Plaintiff,
No.16, 2nd Cross, Ramaiah Layout,
St.Thomas Town Post,
Kammana Halli, Bangalore - 560 084

..Plaintiffs

versus

1.P.Dominic Rexeline,
S/o.S.Pitchai,
No.1/3,New No.6,
David Colony,
Meter Factory Road,
Trichy - 620 021

2.Franklin Andrew, S/o.S.Pitchai,
No.3, Flat -E, Prema Castle,
1st Cross Street,
Trustpuram, Kodambakkam,
Chennai- 600 024



3.Mr.S.Pitchai,
No.1/3, New No.6,
David Colony,
Meter Factory Road,
Trichy - 620 021

4.Mrs.P. Veronica,
W/o.S.Pitchai,
No.1/3, New No.6,
David Colony,
Meter Factory Road,
Trichy - 620 021

... Defendants

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

a)To pass preliminary decree for partition of 50% share in the plaint 'A' schedule properties by metes and bounds and appointment of Advocate Commissioners to effect division of the plaint 'A' schedule property by metes and bounds and allot 50% share in plaint 'A' schedule property and put the 1st plaintiff in possession of the same.

b)To direct the defendants to render account for the amounts withdrawn from the joint account in Post Bank (POSB), Tampanies in Singapore bearing A/c.No.064336967 and consequently direct the first defendant to pay moiety of the amounts proved to be in joint account.



c)To declare that the impugned settlement deed dated 20.08.2008 registered as Doc.No.2998 of 2008 in the office of SRO Kodambakkam executed by the first defendant in favour of second defendant is null and void and not binding on the plaintiffs;

d)To declare the impugned settlement deed dated 26.09.2008 registered as Doc.No.5693 of 2008 within S.R.O.Tiruchirapalli, Joint Sub-Registrar, (D.R.O status) executed by the first defendant in favour of fourth defendant is null and void and not binding on the plaintiffs;

e)Mandatory injunction directing the first defendant to pay a sum of Rs.10,000/- per month as maintenance to the second plaintiff from date of plaint until she attains majority.

f)To declare charge over 1st defendant's 1/2 share in plaint - 'A' schedule and entire 'B' schedule property for the arrears of maintenance payable to the second plaintiff;

g)To direct the defendants to pay the cost of the suit.



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This civil suit coming on this day before this Court for hearing in the presence of Mrs.J.Anandhavalli, Advocate for the defendants herein and the plaintiffs herein having not appeared in person or by advocate and upon reading the plaint filed herein and, **it is ordered as follows:-**

That the suit in C.S.No.286 of 2011 be and is hereby 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 18TH DAY OF APRIL 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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28.04.2022

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5

C.S.No.286 of 2011

ORDER

DATED : 18.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL :12.05.2022

APPROVED ON :12.05.2022



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6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.04.2022

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No. 286 of 2011

1. Maria Doris
2. D. Danis Veron (Minor)
D/o. Maria Doris,
Rep. by mother and natural guardian
Mrs. Maria Doris ..Plaintiff

Versus

1. P. Dominic Rexeline,
2. Franklin Andrew
3. S. Pitchai,
4. P. Veronica ..Defendants

Prayer:- Civil Suit is filed under Order IV, Rule 1 of O.S. Rules read with Order VII Rule 1 of CPC., (a) To pass preliminary decree for partition of 50% share in the plaint 'A' schedule properties by metes and bounds and appointment of Advocate Commissioner to effect division of the plaint "A" schedule properties by metes and bounds and allot 50% share in the plaint "A" schedule property and put the first plaintiff in possession of the same.

(b) To direct the defendants to render account for the amounts



Singapore bearing A/C.No.064336967 and consequently, and direct the first defendant to pay moiety of the amounts proved to be in joint account.

(c) To declare that the impugned Settlement Deed dated 20.08.2008 registered as Doc.No. 2998 of 2008 in the office of SRO, Kodambakkam executed by the first defendant in favour of second defendant is null and void and not binding on the plaintiffs.

(d) To declare the impugned Settlement Deed dated 26.09.2008 registered as Doc.No.5693 of 2008 within SRO, Tiruchirapalli, Joint Sub Registrar, (DRO Status) executed by the first defendant in favour of fourth defendant is null and void and not binding on the plaintiffs.

(e) For mandatory injunction directing the first defendant to pay a sum of Rs.10,000/- per month as maintainable to the second plaintiff from the date of plaint until she attains majority.

(f) To declare charge over the 1st defendant's 1/2 share in the plaint 'A' Schedule and entire 'B' Schedule property for the arrears of maintenance payable to the second plaintiff.



(g) for costs of the suit.

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For Plaintiff : No Appearance

For Defendants : Mrs.J. Anandhavalli

JUDGEMENT

When the case was taken up for hearing on 07.04.2022, there was no representation for the plaintiff. Hence, the matter was directed to be posted today, under the caption “for dismissal”. Even today, there is no representation for the plaintiff either in person or through his counsel. Therefore, this Civil Suit is dismissed for non-prosecution. No costs.

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

18.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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