



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 11TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.651 of 2015

M/s. Jain Capitals
A Partnership Firm
Represented by its Partner
L.V.Sathyanarayan
No.164, Linghi Chetty Street,
Chennai 600 001.

: Plaintiff

-Versus-

1. Raj Bai Anusuya Devi Gulechha
Memorial Charitable Trust
Represented by its Managing Trustee
Mr.Jaikumar Jain,
Plot No.314, Door No.1/4
Kamaraj Nagar, 4th Main Road,
Thiruvanmiyur, Chennai 600 041.

2. Housing and Urban Development Corporation Ltd., (HUDCO)
Represented by its Senior Manager,
Regional Office:
5th Floor, CMDA Tower-1
Gandhi-Irwin Road, Egmore,
Chennai 600 008.

3. M/s. Shri Krishna Trust
Represented by its Managing Trustee
No.8, Ponniamman Koil Street,
Hasthinapuram, Chennai 600 064.

4. The Recovery Officer
Debts Recovery Tribunal-1
6th Floor, Spencer Towers,
Anna Salai, Chennai 600 002.

: Defendants



WEB COPY

This civil suit coming on this day before this Court for hearing in the presence of Mr.N.Rama Krishnan for M/s.Waraon & Sai Rams, Advocates for the plaintiff herein and Mr.K.S.Sundar, Advocate for the 2nd defendant herein and upon reading the plaint filed herein and the learned counsel for the plaintiff herein seeks permission of this Court to withdraw the suit and he has also made an endorsement to that effect on the plaint stating that "The plaintiff may be permitted to withdraw the above suit. Half Court fee may be directed to be refunded to the counsel for plaintiff",

It is ordered as follows:

That the suit in C.S.No.651 of 2015 be and is hereby dismissed as withdrawn.

2. That there shall be no order as to costs.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 11TH 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.



DL
WEB COPY 20.04.2022

4

C.S.No.651 OF 2015

ORDER :-

DATED:11.04.2022

THE HON'BLE MRS.JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL:20.04.2022

APPROVED ON:21.04.2022



WEB COPY

5

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.651 of 2015

M/s.Jain Capitals
A Partnership Firm
Represented by its Partner,
L.V.Sathyannarayan,
No.164, Linghi Chetty Street,
Chennai – 600 001.

... Plaintiff

Vs.

1.Raj Bai Anusuya Devi Gulechha
Memorial Charitable Trust,
Represented by its Managing Trustee,
Mr.Jaikumar Jain,
Plot No.314, Door No.1/4,
Kamaraj Nagar, 4th Main Road,
Thiruvannamiyur, Chennai – 600 041.

2.Housing and Urban Development Corporation Ltd., (HUDCO)
Represented by its Senior Manager,
Regional Office:
5th Floor, CMDA Tower-1,
Gandhi-Irwin Road, Egmore,
Chennai – 600 008.

3.M/s.Shri Krishna Trust,
Represented by its Managing Trustee,
No.8, Ponniamman Koil Street,
Hasthinapuram, Chennai – 600 064.

4.The Recovery Officer,
Debts Recovery Tribunal – I,
6th Floor, Spencer Towers,
Anna Salai, Chennai – 600 002.

... Defendants



Prayer: Plaintiff filed under Order IV Rule 1 of Original Side Rules and Read with under Order VII Rule 1 of the CPC, to pass a judgment and decree: (a) directing the 1st defendant herein to pay to the plaintiff a sum of Rs.4,00,00,000/- (Rupees Four Crores only) towards the principal and a sum of Rs.1,00,00,000/- (Rupees One Crore only) towards interest in all totaling to Rs.5,00,00,000/- (Rupees Five Crores only) Rs.4,00,00,000/- with future interest at the rate of 12% p.a. from the date of plaint till the date of realization; (b) for a declaration that the auction sale process of the suit property conducted by the 4th defendant on 30.09.2014 followed by the issuance of the Letter of Confirmation of Sale of Immovable Property dated 13.05.2015 in favour of the 3rd defendant is null and void and non-est in law as the same is vitiated by fraud; (c) for a permanent injunction restraining the 4th defendant herein, from and in any manner issuing the Sale Certificate in respect of the suit property in favour of the 3rd defendant or any other person pursuant to the Letter of Confirmation of Sale of Immovable Property dated 13.05.2015 issued by the 4th defendant in favour of the 3rd defendant; (d) directing the defendants 1 to 3 herein to pay the costs of this suit to the plaintiff; and e) grant such further or other relief or reliefs as this Court may deem fit, proper and necessary in the circumstances of the case and thus render justice.

For Plaintiff : Mr.N.Rama Krishnan
for M/s.Waraon & Sai Rams
For Defendants : Mr.K.S.Sundar for D2

J U D G M E N T

Learned counsel for the plaintiff seeks permission of this Court to withdraw the suit and also seeks refund of Court fee. He also made an endorsement to that effect in the Court bundle.



2.The same may be considered and paid as per the regulations.

WEB COPY

3.In view of the above, this suit is dismissed as withdrawn. There shall be no order as to costs.

Sd./-V.B.S.J
11.04.2022

List of documents marked on the side of the plaintiff

Nil

List of witnesses examined on the side of the plaintiff

Nil

List of documents marked on the side of the defendants

Nil

List of witnesses examined on the side of the defendants

Nil

//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.