



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 02ND DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S. No.502 of 2013
and
A.Nos.736 to 738 of 2022

Mrs. Valencia Antony D' Souza,
W/o. Mohan Panchalingam,
No. 109, Sami pillai Street,
Choolai, Chennai - 600 112.

...Plaintiff

Vs.

1. Mrs. Navaneetham,
W/o. Late Gopalakrishanan,
Ganesh Rice Mill,
Raja Street,
Chengam, Tiruvannamalai District.

2.Mrs. Kanchana,
W/o. Rajendran,
No.113, Ennaikara Street,
Kancheepuram - 631 501.

3.Mrs. Dhanalakshmi,
W/o. Senguttuvan,
No.10 C, Sanada Apartments, 150/51,
Velachery Main Road, Velachery,
Chennai - 600 042.

4.Mrs. Padmini,
W/o. Damodharan,
No.12, Kannammal Street, Chitlapakkam,



Chennai - 600 064.

5.P. Gomathi,

D/o. Late Parthasarathy - Jayakumari,

No.44, Ramasamy Street,

Alwarpet, Chennai - 600 018.

6.V. Bharathi,

D/o. Late Parthasarathy - Jayakumari,

No.44, Ramasamy Street,

Alwarpet, Chennai - 600 018.

... Defendants

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

(a) For specific performance of the agreement dated 25.01.2012, by ordering and directing the defendants to execute and register the sale deed and convey the suit property more fully described in the Schedule hereunder on or before a date to be fixed and further directing the Plaintiff to deposit the balance sale consideration in Court within a time to be stipulated, in case of default by the defendants the plaintiff prays that this Hon'ble Court may execute the sale deed on behalf of the defendants and convey the suit property to the plaintiff;

(b) for perpetual injunction restraining the defendants from in any manner dealing, disposing, alienating, charging or encumbering the suit property;

(c) To direct the Defendants to pay the cost of the suit.



A.No.736 to 738 of 2022:-

Mrs. Valencia Antony D' Souza,
W/o. Mohan Panchalingam,
No. 109, Sami pillai Street,
Choolai, Chennai - 600 112.

...Applicant/Plaintiff

Vs.

Mrs. Navaneetham (deceased),

1. Mrs. Kanchana,
W/o. Rajendran,
No.113, Ennaikara Street,
Kancheepuram - 631 501.

2. Mrs. Dhanalakshmi,
W/o. Senguttuvan,
No.10 C, Sanada Apartments, 150/51,
Velachery Main Road, Velachery,
Chennai - 600 042.

3. Mrs. Padmini,
W/o. Damodharan,
No.12, Kannammal Street, Chitlapakkam,
Chennai - 600 064.

4. P. Gomathi,
D/o. Late Parthasarathy - Jayakumari,
No.44, Ramasamy Street,
Alwarpet, Chennai - 600 018.

5. V. Bharathi,
D/o. Late Parthasarathy - Jayakumari,
No.44, Ramasamy Street,
Alwarpet, Chennai - 600 018.

... Respondents/Defendants

6. Mr. Gajendran,
S/o. Late Gopalakrishnan,
Ganesh Rice Mill,
Raja Street,



Chengam, Tiruvannamalai District.

7. Mr. Ravindran,
S/o. Late Gopalakrishanan,
Ganesh Rice Mill,
Raja Street,
Chengam, Tiruvannamalai District.

8. Mrs. Premalakshmi,
D/o. Late Gopalakrishanan,
Ganesh Rice Mill,
Raja Street,
Chengam, Tiruvannamalai District.

...Respondents 6 to 8 /
Proposed Defendants 7 to 9/
Legal Rep. of Deceased 1st Defendant

A.No.736 of 2022:-

Application praying that this Hon'ble Court be pleased to Condone the delay of 866 days in filing the petition to Set aside the abatement caused by the death of the 1st Defendant, Mrs. Navaneetham in C.S.No. 502 of 2013.

A.No.737 of 2022:-

Application praying that this Hon'ble Court be pleased to Set aside the abatement caused by the death of the 1st Defendant, Mrs. Navaneetham in C.S.No. 502 of 2013.

A.No.738 of 2022:-

Application praying that this Hon'ble Court be pleased to implead the



7,8,9 in the above suit in C.S. No. 502 of 2013.

WEB COPY

This Suit and Application Nos.736 to 738 of 2022 coming on this day before this court for hearing in the presence of Ms. Fidelia, Advocate for the plaintiff in C.S.No.502 of 2013, and for the applicant in A.Nos.736 to 738 of 2022 and Mr. G.Karthikeyan, Advocate for the defendants in C.S.No.502 of 2013 and for the respondents 1 to 5 in A.Nos.736 to 738 of 2022, and upon reading the plaint filed in C.S.No.502 of 2013 and the judges summons and the affidavit of Valencia Anthony D'Souza filed in A.Nos.736 to 738 of 2022, and the memo dated 01.03.2022 having been filed by the counsel for the plaintiff, and the learned counsel for the plaintiff herein having submitted that the case has been settled out of court between the parties and the plaintiff herein prays this Court, that he may be permitted to withdraw the aforesaid suit and further, the learned counsel has filed memo dated 01-03-2022 to withdraw the suit to that effect and this Court doth recording the said memo, **it is ordered as follows:-**

That the suit in C.S.No.502 of 2013 be and is hereby dismissed as withdrawn.

2) That a certificate under section 69 of the Tamil Nadu Court Fees

and Suits Valuation Act 1955, (as amended) do issue herein, out of and



under the seal of this Court in favour of Mrs. Valencia Antony D'Souza, the plaintiff herein, authorising her to receive from the Pay and Accounts Office, High Court, Madras, a sum of Rs.1,53,620/- (Rupees One Lakh Fifty Three Thousand Six Hundred and Twenty only) being the entire Court Fee paid on the plaint by the plaintiff herein.

3) That the connected miscellaneous applications do stand closed.

4) 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 02ND DAY OF MARCH 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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ARS

13.04.2022

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C.S. No.502 of 2013
and
A.Nos.736 to 738 of 2022

ORDER

DATED : 02.03.2022

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

DATED : 02.03.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.502 of 2013

and

A.Nos.736 to 738 of 2022

Mrs. Valencia Antony D' Souza,

...Plaintiff

Vs.

1. Mrs. Navaneetham,
2.Mrs. Kanchana
3.Mrs. Dhanalakshmi
4.Mrs. Padmini
5.P. Gomathi
6.V. Bharathi

... Defendants

**Prayer:- This Civil Suit filed under Order IV Rule 1 of O.S. Rules and
Order VII Rule 1 of C.P.C. praying for the following reliefs:**

(a) For specific performance of the agreement dated 25.01.2012, by

ordering and directing the defendants to execute and register the sale deed



and convey the suit property morefully described in the Schedule hereunder on or before a date to be fixed and further directing the plaintiff to deposit the balance sale consideration in Court within a time to be stipulated in case of default by the defendants, the plaintiff prays that this Hon'ble Court may execute the sale deed on behalf of the defendants and convey the suit property to the plaintiff;

(b) for perpetual injunction restraining the defendants from in any manner dealing, disposing, alienating, charging or encumbering the suit property;

(c) To direct the defendants to pay the cost of the suit.

For Plaintiff : M/s. Fidelia

For Defendants : M/s. G. Karthikeyan

J U D G M E N T

This suit has been filed by the plaintiff against the defendants seeking



(a) For specific performance of the agreement dated 25.01.2012, by ordering and directing the defendants to execute and register the sale deed and convey the suit property morefully described in the Schedule hereunder on or before a date to be fixed and further directing the plaintiff to deposit the balance sale consideration in Court within a time to be stipulated in case of default by the defendants, the plaintiff prays that this Hon'ble Court may execute the sale deed on behalf of the defendants and convey the suit property to the plaintiff;

(b) for perpetual injunction restraining the defendants from in any manner dealing, disposing, alienating, charging or encumbering the suit property.

2. When the matter is taken up today for hearing, the learned counsel for the plaintiff submitted that the case has been settled out of Court between the parties and the plaintiff prays this Court, he may be permitted to withdraw the aforesaid suit. Further, the learned counsel has filed a memo to withdraw the suit to that effect.

3. In view of the aforesaid submissions of the learned counsel for the plaintiff and recording the memo to withdraw the suit filed by him, the Civil



Suit is dismissed as withdrawn. No Costs. Consequently, connected miscellaneous applications stand closed.

4. Registry is directed to refund Court fee to the plaintiff in accordance with rules.

Sd/-V.B.S.J.
02.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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