



WEB COPY



C.S.No. 397 of 2016(B)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.03.2022

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No. 397 of 2016 (B)

- 1.P.K. Karunakaran
- 2.K.Revathy
- 3.Thangamani (Deceased)
[3rd plaintiff as per order dated 12.07.2019
on memo in C.S.No.397 of 2016]
- 4.Anusuyadevi (Deceased)
[The plaintiffs 1, 2 and 4 and the
defendants 1 and 2 are the legal
heirs of the deceased].

..Plaintiffs

Versus

- 1.Ramani
 - 2.Harishankar
 - 3.K.V.Vimalakrishnan
 - 4.V.Thanigaivel
 - 5.A.Kanchanamala
- (Defendants 3 to 5 are brought on record
as legal-heirs of the 4th plaintiff as per order
dated 24.09.2021 in A.No.2617 of 2021)

..Defendants

Prayer: Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of CPC., prays for a judgment and decree against the defendants for (a) partitioning the schedule properties by metes and bounds and allotting 1/4th share to the plaintiffs 1 and 2 jointly and 1/4th



C.S.No. 397 of 2016(B)

WEB COPY

share to the plaintiffs 3 and 4 each; (b) To rendition of accounts for the amounts derived from the properties towards rents; (c) Permanent Injunction restraining the defendants, their men, agents or anybody claiming under or on behalf of the defendants herein from in any manner dealing with the schedule properties either by alienating, mortgaging, leasing or in any other manner and (d) to pay the costs of the suit.

For Plaintiffs : Mr.K.V.Sundararajan

For D1 & D2 : Mr.R.M.Pradeepan
For Mr.Arunbabu

For D3 to D5 : Already set ex-parte
on 24.09.2021

JUDGEMENT

The learned counsel appearing for the plaintiffs submitted that the 3rd plaintiff died on 07.01.2019 and the Class II legal heirs are already on record. Subsequently, the 4th plaintiff also died on 14.01.2021 leaving behind her husband and her children as her legal heirs. Since they did not join as plaintiffs, they were impleaded as defendants 3 to 5 vide order dated 24.09.2021 in A.No.2609 of 2021 and the defendants 3 to 5 have already set expate. Now, due to their personal family circumstances, the



C.S.No. 397 of 2016(B)

WEB COPY

plaintiffs 1 and 2 are not interested to prosecute the matter in the above suit and they did not want to press the above suit. Hence, the above suit is dismissed as not pressed. They have filed a Memo dated 19.02.2022 to the above effect.

2. Recording the above submission made by the learned counsel appearing for the plaintiffs and the memo, this Civil Suit stands dismissed as not pressed. No costs.

04.03.2022

msm

Speaking order : Yes/No



WEB COPY



C.S.No. 397 of 2016(B)

V. BHAVANI SUBBAROYAN, J.

msm

C.S.No. 397 of 2016 (B)

04.03.2022