



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29TH DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.974 of 2016

1. S.V.Kasilingam (Deceased)

*2. K.Baskaran

S/o.Late.S.V.Kasilingam,
No.6, West Mada Church Street,
Royapuram, Chennai- 600 013

*3.U.Hemalatha

D/o.Late.S.V.Kasilingam,
W/o.Udayakumar,
No.6, West Mada Church Street,
Royapuram, Chennai- 600 013

*4.K.Indumathi

D/o.Late.S.V.Kasilingam,
W/o.Kumaraguru
No.13, Old No.6,
Temple Street, New Avadi Road,
Kilpauk, Chennai-600 010

*5.S.Indra

D/o.Late. S.V.Kasilingam,
W/o.A.K.Suresh,
18(1) Sirukulam Colony,
Kamaraj Road, Sivakasi

*6.S.Jayamalini

D/o.Late.S.V.Kasilingam,
W/o.R.Suresh,
No.6, West Mada Church Street,
Royapuram, Chennai- 600 013

...Plaintiffs



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VS

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1.Tmt.W.S.Sarojini Ammal
D/o.W.S.SivagnanaGramani,
No.191/28, Gandhi Road,
West Tambaram, Chennai-45

2.Tr.Prasanth,
S/o.V.Srinivasan
10M/2, New No.4,
SeshachalaGramani Street,
Sathankadu, Kaladipet, Chennai- 600 019

3.Tr.Chandran
Son of W.S.Sivakolundu,
No.34-B, Kalliammankoil Street,
Virugambakkam, Chennai-92

4.Tr.W.S.Suresh,
S/o.Late Sivasankaran,
No.18, Irusappa Street,
Triplicane, Chennai- 600 005

*5.K.Subadra,
D/o.Late S.V.Kasilingam,
W/o.P.Khandavel,
Plot No.B-3, Ram Apartments,
6A, Pillaiyar koil Street,
SS Colony, Madurai - 625 016

..Defendants

(*Plaintiffs two to six and the fifth defendant are brought on record as legal heirs of deceased plaintiff as per order dated 11/03/2022 passed in App.No.936/2022)

Civil Suit praying that this Hon'ble Court be pleased to

a)pass a judgment and decree directing the defendants to pay

<https://hcservices.ecourts.gov.in/hcservices/>

Rs.1,35,00,000/- (Rupees One Crore Thirty Five Lakhs) jointly and



severally to the plaintiff as damages together with interest @ 18% per annum on Rs.1,35,00,000/- from the date of filing of suit till the date of realization.

b)Direct the defendants to pay costs of this suit.

This civil suit coming on this day before this Court for hearing in the presence of Mr.P.Premkumar, Advocate for the plainiffs herein and Ms.Vasudha Thiagarajan, Advocate for the respondents herein and upon reading the plaint filed herein and the learned counsel for the plaintiffs and the defendants herein having jointly submitted that the matter was already settled out of the court between the plaintiffs and the defendants as early as in the year 2021 and in view of sudden demise of the sole plaintiff, before informing to this court, for impleading the legal heirs of the deceased plaintiff, the suit is pending before this court without disposal and now, the legal heirs of the deceased plaintiff have been impleaded in the suit by order dated 11.03.2022 in A.No.936 of 2022, based on which the said suit may be dismissed as settled out of court,and

It is ordered as follows:-

That the suit in C.S.No.974 of 2016 be and is hereby dismissed as settled out of court.



2. That a certificate under section 69 of Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Amendment Act) do issue herein, out of and under the seal of this court in favour of K.Baskaran, U.Hemalatha, K.Indumathi, S.Indra, and S.Jayamalini, the plaintiffs herein, authorising them, to receive from the Pay and Accounts Office, High Court Chennai, for a sum of Rs.1,38,525/- (Rupees One Lakh Thirty Eight Thousand Five Hundred and Twenty Five only) being the entire court fee paid on the plaint by the plaintiffs herein.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 29TH 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.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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C.S.No.974 of 2016

ORDER

DATED : 29.03.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 12.04.2022

APPROVED ON : 18.04.2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

WEB COPY

DATED : 29.03.2022**CORAM****THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN****C.S.No.974 of 2016**

1.S.V. Kasilingam (Deceased)
2. K. Baskaran,
3. U. Hemalatha,
4.K. Indumathi,
5.S. Indra,
6.S. Jayamalaini

...Plaintiffs

Vs.

1. W.S. Sarojini Ammal,
2. Prasanth,
3. Chandran,
4. W.S. Suresh,
5. K. Subadra

... Defendants

(Plaintiffs 2 to 6 and 5th Defendant are brought on record as legal heirs of deceased plaintiff as per the order dated 11.03.2022 passed in A.No.936 of 2022)

Prayer:- Complaint filed under Order VII Rule 1 of the CPC, 1908 read with Order IV Rule 1 of the Original Side praying for a judgment and decree as follows:-

a) Pass a Judgment and Decree directing the defendants to pay Rs.1,35,00,000/- (Rupees One Crore Thirty Five Lakhs Only) jointly and severally to the plaintiff as damages together with interest @18% p.a.

1,35,00,000/- from the date of filing of the suit till the date of realization.



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b) Direct the defendants to pay costs of this suit

For Plaintiffs : M/s. Vasudha Thiagarajan

For Defendants : Mr. P. Premkumar

J U D G M E N T

This suit has been filed to pass a Judgment and Decree directing the defendants to pay Rs.1,35,00,000/- (Rupees One Crore Thirty Five Lakhs Only) jointly and severally to the plaintiff as damages together with interest @18% p.a. 1,35,00,000/- from the date of filing of the suit till the date of realization and to direct the defendants to pay costs of this suit.

2. The learned counsel for the plaintiff and the defendant would jointly submit that the matter was already settled out of the Court between the plaintiff and defendants as early as in the year 2021. In view of sudden demise of the sole plaintiff, before informing to this Court, for impleading the legal heirs of the deceased plaintiff, the suit is pending before this Court without disposal. Now, the legal heirs of the deceased plaintiff has been impleaded in the suit by order dated 11.03.2022 in A.No.936 of 2022. Based on which the said suit may be dismissed as settled out of Court and return of

Court Fee as per the Rules to the plaintiffs.



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3. Having taken into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side, the suit is dismissed as settled out of Court.

Sd/-V.B.S.J.
29.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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