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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 15TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.No.383 of 2020

1.Mr.C.Ramachandran
S/o.Mr.Chakrapani,
4th Floor, 216/65,
Alwarpet Street,
Alwarpet,
Chennai- 600 018

2.Mr.C.Radhakrishnan,
S/o.Mr.Chakrapani,
4th Floor, 216/65,
Alwarpet Street,
Alwarpet,
Chennai- 600 018

..Plaintiffs

Vs.

1.Mr.A.Chakrapani,
S/o.S.Adhimoola Mudaliar,
1st Floor, 216/65, Alwarpet Street,
Alwarpet, Chennai - 600 018

2.Mr.C.Shanker
S/o.A.Chakrapani,
1st Floor, 216/65, Alwarpet Street,
Alwarpet, Chennai - 600 018

3.Mrs.C.Hemalatha
D/o.A.Chakrapani,



216/65, Alwarpet Street,
Alwarpet, Chennai - 600 018

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4.M/s.Canara Bank,
rep.by its Manager,
A.R.M.Nagar Branch,
Chennai- 600 018

5.The Authorized Officer,
M/s.Canara Bank,
2nd Floor, Circle Office Building,
563/1, Anna Salai,
Chennai- 600 018

..Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a
judgment and decree of:-

a)declaration of the plaintiffs 2/5(Two-Fifth) share in the Suit
property and partition and separate possession of their share thereto;

b)declaration that any guarantee given by the 1st defendant with
respect to the suit property is sham, null and void and not binding on the
plaintiffs;

c)injunction restraining the defendants 1 to 3 from interfering
with the plaintiffs' peaceful possession and enjoyment of the Suit property

in any manner;



d)injunction restraining the 4th and 5th defendants from alienating or otherwise creating encumbrances of any nature in the suit property;

e)mandatory injunction directing the 4th and 5th defendants to hand over the original title and other documents pertaining to the suit property morefully setout in the Memorandum of deposit of title deeds dated 06.05.2013 and registered as Document No.503 of 2013 before the Sub-Registrar, Chennai Central Joint I to the plaintiffs (morefully described in the SCHEDULE - B hereto);

f)the costs

This civil suit coming on this day before this Court for hearing in the presence of Mr.T.Gowthaman, Advocate for the plaintiff herein and Ms.Bhargavi, for M/s.Deepak Narayanan, Advocate for the 1st defendant herein and Mr.G.Gnanasundaram, Advocate for the 3rd defendant herein, and Mr.M.L.Ganesh, Advocate for the defendants 4 and 5 herein and upon reading the plaint filed herein and the order dated 30.07.2021 made in O.A.No.715 of 2020 and A.No.1299 of 2021 in C.S.No.383 of 2020 and this



Bench in O.S.A.No.338 of 2021 dated 10.01.2022, the plaint has been rejected and

it is ordered:

That the plaint in C.S.No.383 of 2020 be and is hereby rejected.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 15TH DAY OF FEBRUARY 2022.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//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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13.04.2022

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C.S.No.383 of 2020

ORDER

DATED:15.02.2022

THE HON'BLE MR. JUSTICE
P.VELMURUGAN

FOR APPROVAL:19.04.2022

APPROVED ON:21.04.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.02.2022

Coram:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.No.383 of 2020

1.C.Ramachandran
S/o.Chakrapani

2.C.Radhakrishnan
S/o.Chakrapani

...Plaintiffs

Vs.

1.A.Chakrapani
S/o.S.Adhimoola Mudaliar

2.C.Shankar
S/o.A.Chakrapani

3.C.Hemalatha
D/o.A.Chakrapani

4.M/s.Canara Bank
rep. by its Manager
A.R.M. Nagar Branch
Chennai- 600 018

5. The Authorized Officer
M/s.Canara Bank
2nd Floor, Circle Office Building
563/1, Anna Salai,
Chennai-600 018

.... Defendants

Civil Suit filed under Order VII Rule 1 of the Code of Civil Procedure, 1908
read with order IV Rule 1 of Original Side Rules, seeking for the following
reliefs:



(a) Declaration of the Plaintiffs' 2/5 (Two-Fifth) share in the Suit property and partition and separate possession of their share thereto;

(b) Declaration that any guarantee given by the 1st Defendant with respect to the Suit property is sham, null and void and not binding on the Plaintiffs;

(c) Injunction restraining the Defendants 1 to 3 from interfering with the Plaintiffs' peaceful possession and enjoyment of the Suit property in any manner;

(d) Injunction restraining the 4th and 5th Defendants from alienating or otherwise creating encumbrances of any nature in the Suit property;

(e) Mandatory injunction directing the 4th and 5th Defendants to handover the original title and other documents pertaining to the Suit property more fully set out in the Memorandum of deposit of title deeds dated 06.05.2013 and registered as Document No.503 of 2013 before the Sub-Registrar, Chennai central Joint I to the Plaintiffs (more fully described in the Schedule-B hereto);

(f) The costs

For plaintiffs	: Mr.T.Gowthaman
For defendant-1	: M/s.Bhargavi for Mr.Deeak Narayanan
For defendants 4 and 5	: Mr.M.L.Ganesh
For defendant-3	: Mr.G.Gnanasundaram

JUDGEMENT

The defendants 4 and 5 had originally filed an application in A.No.1299 of 2021 for rejection of plaint and the said application was



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2. Challenging the said order, the defendants 4 and 5 filed an application in OSA No.338 of 2021 before the Hon'ble Division Bench of this Court and the Hon'ble Devision Bench allowed same by Judgement dated 10.01.2022.

3. Therefore, as per the Judgement of the Hon'ble Division Bench in OSA No.338 of 2021 dated 10.01.2022, the plaint has been rejected. Hence, the plaint in C.S.No.383 of 2020 is rejected.

Sd./P.V.J.
15.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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