



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

C.S.No. 308 of 2021

1. PL.Nithya @ Meenakshi
W/o. Palaniappan
No.173, Big Street,
Triplicane, Chennai – 600 005.

2. R. Lakshmi
W/o. Ramanathan,
New No.10, Lake Area,
1st Cross Street, Nungambakkam,
Chennai – 600 034.

3. N. Prakash,
S/o. Nagalingam,
No.173, Big Street,
Triplicane, Chennai - 600 005.

... Plaintiffs

-Vs-

1. M. Theivanai @ Saroja
W/o. Muthiah,
No.220, Anna Nagar,
Madurai – 625 020.

2. N. Valliammai @ Malathi,
W/o. Nagalingam,
No.173, Big Street,
Triplicane, Chennai – 600 005.

3. M. Kavitha,
W/o. Late A. Muthiah,
No.23, Big Street,
Triplicane, Chennai – 600 005.



4. M. Meenakshi,
D/o. Late, A Muthiah,
No.23, Big Street,
Triplicane, Chennai – 600 005.
5. M. Aarthi,
D/o. Late. A. Muthiah,
No.23, Big Street,
Triplicane, Chennai – 600 005.
6. Minor M. Annamalai,
Reb. by his Mother and Guardian M Kavitha
No.23, Big Street,
Triplicane, Chennai – 600 005.
7. N. Meenakshi,
D/o. Nagalingam,
No.133, Big Street,
Triplicane, Chennai – 600 005.
8. ICICI Bank,
Rep.by its Branch Manager,
St.Marys Anglo Indian High Secondary School,
Catholic Centre, 1st Floor,
64, Armenian Street,
Chennai – 600 001.

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a
Judgment and Decree :-

a) preliminary decree in respect of the property described in item No.1
to 5 and allot 1/12th share in favour of plaintiffs 1 and 2 and 1/9th share in
favour of 3rd plaintiff.

b) permanent injunction restraining the Defendants from alienating or
encumbering the properties morefully described in items No.1 to 5 of the
suit schedule.



c) for costs of the suit.

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This Civil Suit coming on this day before this court for hearing in the presence of M/s.AL.Gandhimathi, Advocate for the Plaintiffs herein and Mr.Ilayakumar, for M/s.Ramalingam & Associates, Advocates for the defendants herein and upon reading the plaint filed herein and the order dated 31.03.2022 made in A.No. 1386 of 2022 in C.S.No. 308 of 2021, and this Court having observed that the plaint has been rejected giving liberty to the plaintiff to work out her remedy before Debt Recovery Tribunal in the manner known to law, and in view of the above no further adjudication is required in this suit and **It is ordered as follows :-**

That the suit in C.S.No. 308 of 2021 do stand closed.

2. That the connected application do stand closed.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 21ST DAY OF JUNE 2022.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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ED

30.06.2022

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C.S.No. 308 of 2021

ORDER :-

DATED : 21.06.2022

THE HON'BLE MR. JUSTICE
KRISHNAN RAMASAMY

FOR APPROVAL: 05.07.2022

APPROVED ON: 05.07.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.S.No.308 of 2021

1.PL.Nithya @ Meenakshi

2.R.Lakshmi

3.N.Prakash

... Plaintiffs

Vs

1.M.Theivanai @ Saroja

2.N.Valliammai @ Malathi

3.M.Kavitha

4.M.Meenakshi

5.M.Aarthi

6.Minor M.Annamalai

Rep.by his mother and Guardian M.Kavitha

7.N.Meenakshi

8.ICICI Bank,

Rep.by its Branch Manager,

St.Marys Anglo Indian High Secondary School,

Catholic Centre, 1st floor,

64, Armenian Street, Chennai – 600 001.

... Defendants

Plaint filed under Order VII Rule 1 C.P.C read with Order IV Rule 1

of O.S. Rules:



- a) preliminary decree in respect of the property described in item No.1 to 5 and allot 1/12th share in favour of plaintiffs 1 and 2 and 1/9th share in favour of 3rd plaintiff;
- b) permanent injunction restraining the defendants from alienating or encumbering the properties mournfully described in items 1 to 5 of the suit schedule;
- c) and for costs of the suit.

For Plaintiffs : M/s.AL.Ganthimathi

For Defendants : Mr.Ilayakumar
for M/s.Ramalingam and Associates

JUDGMENT

During pendency of the suit, an application in A.No.1386 of 2022, has been moved by the respondents 1 to 3/plaintiffs herein, under Order VII Rule 11 of CPC, seeking to reject the plaint on the ground of territorial jurisdiction of this Court.

2. By order dated 31.03.2022, this Court passed orders, rejecting the plaint and accordingly, the plaint has been rejected giving liberty to the plaintiff to work out her remedy before the Debt Recovery Tribunal in the manner known to law.



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3. In view of the above, no further adjudication is required in this Suit. Accordingly, this Civil Suit is closed. Connected Application is closed.

Sd./- K.R.J.,
21/06/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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