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C.S.No.2092 of 1995

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.2092 of 1995
and O.A.No.111 of 2005

1. K. Sundaram (Deceased)
2. S. Ravi,
3. S. Mahalakshimi

...Plaintiffs

.Vs.

- 1.K.S. Gopalakrishnan,
2. Kalyani Kutti Ammal

... Defendants

(Plaintiffs 2 & 3 are brought on record as LR's of the deceased plaintiff as per order dated 29.07.2022 in A.No.2691 of 2002 and subsequently, by the order of the Master dated 26.08.2004 passed in A.No.3200 of 2004.)

Prayer:

Plaint filed under Order VII Rule 1 of the CPC, 1908 read with Order IV Rule 1 and Order 37 Rule 1 of the Original Side, 1957 praying for a judgment and decree as follows:-

- a) Directing the first defendant to execute the Sale Deed relating to the suit property free from encumbrance, in favour of the plaintiff as per

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the agreement dated 31.12.1993 entered between the plaintiff and the 1st defendant;

b) In the event of failure of the 1st defendant to execute the sale deed, as prayed Clause "a" supra, alternatively, directing this Hon'ble Court to execute the sale in favour of the Plaintiff relating to the suit property, free from all encumbrance;

c) Directing the 2nd defendant to release the suit property from the Mortgage, after receiving the mortgage amount from the 1st defendant;

d) Directing the 1st defendant to deliver the vacant possession of the land; and

e) Directing the defendants to pay the cost of the suit:

For Plaintiff : Mr. S. Siva Shanmugam

For Defendants : No Appearance

J U D G M E N T

When the matter came up today for hearing, the learned counsel for the plaintiffs seeks permission of this Court to withdraw the suit as not pressed since the 1st plaintiff is no more and his legal heirs remain untraceable. Accordingly, the learned counsel has made an endorsement to that effect in the plaint.



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2. In view of the submissions and endorsement made by the learned counsel for the plaintiffs in the plaint, the suit is dismissed as not pressed. Consequently, connected application is closed if any. No costs.

30.08.2023

Note: The Court Fee shall be refunded as per Original side Rules.

Lbm

Index : No

Internet : Yes

Speaking order



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Lbm

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