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C.S.Nos.40 of 2021 & 37 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.Nos.40 of 2021 & 37 of 2023

C.S.No.40 of 2021

1.D.Kavitha

2.U.Sudha

.. Plaintiffs

Versus

1.P.Srinivasan

2.Karthik

3.G.Kesavan

4.Shanmughasundaram

5.Kanniappan

6.Ganesan

(Defendants 4 and 6 are dropped as per Order
dated 07.12.2021 in Memo in C.S.No.40 of 2021)

.. Defendants

C.S.No.37 of 2023

P.S.Srinivasan

.. Plaintiff

Versus

D.Kavitha

.. Defendant

Prayer in C.S.No.40 of 2021: Complaint filed under Order IV Rule 1 of the
Original Side Rules read with Order VII Rule 1 of the Code of Civil



Procedure, to pass a judgment and decree to :

- a) direct the 1st defendant to render accounts with regard to the amounts collected in the form of rents, lease amounts, advances etc., in respect of the property bearing No.18/26, Veerabadra Street, Mylapore, Chennai – 600 004 and more particularly mentioned in the schedule hereunder and direct payment of such sum together with interest at 18% p.a., on the same from this date till date of full payment;
- b) for a mandatory injunction directing the first defendant to return the plaintiffs, the title deeds including the original settlement deed dated 05.05.2008 registered as Document No.1028 of 2008 on the file of the Sub-Registrar, Mylapore relating to the property bearing No.18/26, Veerabadra Street, Mylapore, Chennai – 600 004 as described in the schedule hereunder;
- c) for a mandatory injunction directing the defendants 2 to 6 to remit all rents in respect of property bearing No.18/26, Veerabadra Street, Mylapore, Chennai – 600 004 to the plaintiffs;
- d) Permanent injunction restraining the 1st defendant from collecting any rents from the Defendants 2 to 6 in respect of property bearing No.18/26, Veerabadra Street, Mylapore, Chennai – 600 004;
- e) to award cost of the suit, including counsel's fee.

Prayer in C.S.No.37 of 2023: Complaint filed under Order VII Rule 1 and XXXIV of the Code of Civil Procedure, to pass a judgment and decree to :

- (a) to pay the plaintiff a sum of Rs.59,50,000/- together with interest at



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6% from the date of plaint till date of decree and costs of the suit on or before such date as this Hon'ble Court may fix;

(b) and further directing that in default of the defendant paying on or before the fixed date, the plaintiff shall be entitled to apply for a final decree for sale of the mortgaged property morefully described in the schedule hereunder and appropriate the sale proceeds towards the amounts due to the plaintiff;

(c) in case the proceeds of sale are found to be insufficient, a personal decree for the balance may be passed against the defendant;

(d) directing the defendant to pay the cost of this suit

In C.S.No.40 of 2021

For Plaintiffs : Mr.Prakash Goklaney
For Defendants : Mr.M.Devendran for D1
Mr.S.Prabhu for D2, D3 & D5

In C.S.No.37 of 2023

For Plaintiff : Mr.M.Devendran
For Defendant : Mr.Prakash Goklaney

COMMON JUDGMENT

These Civil Suits have been listed, today, under the caption, for withdrawal. When the suits were taken up, the learned counsel for the



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plaintiffs' in both suits seeks leave of this Court to withdraw the suits and they also made endorsements to that effect.

2. The plaintiffs in C.S.No.40 of 2021 were present before this Court. They also made endorsements to that effect. It is also stated before this Court that the documents filed before this Court will be returned to the parties concerned, after receiving the same from this Court.

3. In view of the submission of the learned counsel for the plaintiffs and the endorsements made, these suits are dismissed as withdrawn. No costs.

15.11.2023

dhk

Internet : Yes

Index : Yes / No

Speaking order / Non Speaking order



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N. SATHISH KUMAR, J.

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