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C.S.No.281 of 2008
and Tr.C.S.No.458 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

C.S.No.281 of 2008
and Tr.C.S.No.458 of 2012

A.Madhavi

...Plaintiff
in C.S.281/2008

Vs.

1.M/s.India Builders (Chennai) Ltd.,
Rep. by its Managing Director, Mr.J.Uttam Kumar,
AA-49, 3rd Main Road, 2nd Street,
Anna Nagar, Chennai-600 040.

2.Panchanadam Madanagopalan

3.M.Ethunandan

4.Sudha Thiagarajan

5.K.Jaishankar

6.Sandhya Jayashankar

7.M/s.Sabari Constructions and
Housing Pvt. Ltd.,
Rep. by its Managing Director,
No.AA 49, Second Street, III Main Road,
Anna Nagar, Chennai-600 040.

8.C.T.Prabhakar

9.P.S.Devi Sree

... Defendants
in C.S.281/2008



C.S.No.281 of 2008
and Tr.C.S.No.458 of 2012

Prayer in C.S.No.281 of 2008: The Civil Suit has been filed under Order VII, Rule 1 of C.P.C. read with Order IV, Rule 1 Original Side Rules, praying to pass a Judgment and Decree in favour of the plaintiff:

(a) Directing the defendants 1 to 6 to execute and register sale deeds conveying flats bearing No.2-B and 3-B together with the proportionate undivided share of land in the premises bearing Plot No.2479, Old Door No.18, New No.6, 5th Street, AJ Block, Anna Nagar, Chennai 40, more fully described in the Schedule 'A' hereunder on receipt of balance sale consideration of Rs.46,90,329/- out of the total sale consideration of Rs.80,34,000/- calculated at the rate of Rs.3900/- per Sq. Ft., plus Rs.3,75,000/- for two car parking, E.B. service, CMWSS connection, and Generator to the plaintiff and handover the vacant possession of schedule 'A' property to the plaintiff; or

(b) In the alternative directing the first and seventh defendants to execute and register the sale deed conveying the flat admeasuring 2150 sq. ft in the second floor of the building together with two car parking, E.B. service, CMWSS connection, Generator and other amenities in the premises bearing Plot No.58 & 58/1, U.R.Nagar Extension, more fully described in the Schedule 'B' hereunder and handover the vacant possession of schedule 'B' property to the plaintiff for the total sale consideration of Rs.37,18,671/- already paid without demanding any further payment; or



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(c) If this Court comes to the conclusion that specific performance as prayed could not be granted, in the alternative directing the defendants 1 & 7 to refund the sum of Rs.50,22,373/- together with interest @ 24% per annum from the date of plaint till the date of repayment in full; and

(d) Further directing the defendants 1 & 7 to pay damages of Rs.74,16,000/- to the plaintiff together with interest @ 24% per annum from the date of plaint till the date of payment in full and for costs.

For Plaintiff	: No Appearance
For Defendants	: Mr.R.Imayavaramban for M/s.Ramalingam & Associates

1.M/s.Sabari Constructions and
Housing Pvt. Ltd.,
Rep. by its Managing Director,
No.AA 49, Second Street, III Main Road,
Anna Nagar, Chennai-600 040.

2.C.T.Prabhakar
3.P.S.Devi Sree

...Plaintiffs
Tr.C.S.No.458 of 2012

Vs.

1.A.Madhavi
2.A.M.Srihari

... Defendants
Tr.C.S.No.458 of 2012



C.S.No.281 of 2008
and Tr.C.S.No.458 of 2012

Prayer in Tr.C.S.No.458 of 2012: The Civil Suit has been filed under Order VII, Rule 1 of C.P.C. read with Order IV, Rule 1 Original Side Rules, praying to pass a Judgment and Decree in favour of the plaintiff:

(i) Cancelling the sale deed dated 14.12.2006 executed by the first plaintiff as the power agent of the second and third plaintiffs, in favour of the first defendant and registered as document No.4783/2006, on the file of the Sub-Registrar of Villivakkam;

(ii) Granting a permanent injunction, restraining the defendants, their men, agents, servants, representative or any persons claiming on their behalf or through them from in any manner claiming right, title and possession and alienating or dealing with the property being 1306.67 sq. ft undivided share of land out of the total area admeasuring 3920 sq.ft at Plot No.58, U.R.Nagar, Anna Nagar West Extn., Chennai 600 101; and for costs.

For Plaintiffs : Mr.R.Imayavaramban for
M/s.Ramalingam and Associates

For Defendants : No Appearance

COMMON JUDGMENT

Learned counsel for the plaintiffs in Tr.C.S.No.458 of 2012 alone appears regularly before this Court. According to the learned counsel, the matter has



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been amicably settled between the parties. But this Court does not get any instruction from the counsel for the other side who is also the plaintiff in C.S.No.281 of 2008.

2.This has been the status quo in the last few postings, and today this Court chooses to dismiss these two suits for default on the statement of the learned counsel as settled out of Court.

3.These civil suits stand dismissed accordingly as settled out of Court. The Registry is directed to refund the Court fee in Tr.C.S.No.458 of 2012 as per rules.

27.02.2023

Anu

Index : yes / no

Internet : yes / no

Speaking / Non Speaking order



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N.SESHASAYEE, J.
Anu

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