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C.S.No.800 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.800 of 2010

M.Arul Nandi Sivam

.. Plaintiff

vs.

1.J.K.Ramesh Chandar

2.R.K.Paresh

3.R.K.Jignesh

4.R.K.Mayur

5.Bhabutmal Jain

6.Jitendrakumar Jain

7.Manojkumar Jain

8.S.Balasubramaniam

.. Defendants

(Plaint was amended as per order
dated 22.02.2013
in A.No.861 of 2013)

Prayer: Civil Suit filed under Order VII Rule 1 of CPC read with Order VII Rule 1 of High Court Original Side Rules, praying to pass the following judgment and decree against the defendants.

i) directing the defendants 2 to 4 to receive the balance sale consideration of Rs.6,42,50,000/- from the plaintiff and to execute sale deeds in favour of the



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plaintiff in respect of the suit property at the plaintiff's costs in terms of the Memorandum of Understanding dated 23.09.2006 and Supplementary Agreement dated 23.07.2007 as follows:

- a) defendants 2 to 4 along with the 8th defendant in respect of Item No.2 of schedule property
- b) defendants 2 to 4 along with 7th defendant in respect of Item No.1 of schedule property
- c) defendants 2 to 4 separately in respect of Item Nos. 3 & 13 of schedule property.
- d) 2nd defendant along with 6th defendant in respect of Item No.'s 4 & 5 of schedule property
- e) 3rd defendant along with 5th defendant in respect of Item No.'s 6 to 9 & 10 of schedule property
- f) 4th defendant along with 7th defendant in respect of Item No.'s 11 & 12 of schedule property.

ii) or in the alternative directing the defendants 2 to 4 to refund the sale advance of Rs.1,00,00,000/- (Rupees one crore only) paid by the plaintiff along with interest and compensation for breach of contract in case this Hon'ble court should come to the conclusion that the plaintiff is not entitled to the equitable relief of specific performance.



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iii) for permanent injunction restraining the defendants, their men, agents, servants and subordinates from in any manner alienating or encumbering the suit property in favour of third parties and

iv) for cost of the suit.

For Plaintiffs : No Appearance

For Defendants : M/s.Subha for D3 & D4
Mr.D.Saikumaran for D5 to D8

JUDGMENT

When the matter was taken up for hearing on 13.07.2023, there was no representation on behalf of the plaintiffs and hence, the matter was posted under the caption "for dismissal" on 20.07.2023. Even today, (20.07.2023) there is no representation on behalf of the plaintiffs either in person or through the counsel on record. Hence, the Civil Suit is dismissed for non-prosecution. No costs.

20.07.2023

Index: Yes/No
Speaking/Non-speaking Order
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A.A.NAKKIRAN,J.

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