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C.S. No.576/2---

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **06.06.2023**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.S. No.576 of 2012

S.Rajendran

... Plaintiff

Vs.

1. S.Dakshayani

2. S.Ravindran

3. S.Hariharan

4. M/s.Kalasakthi Agro Private Limited,
Regd. Office at 12, Eldams Square Building,
No.167 Eldams Road,
Chennai - 600 001.

5. The Joint Sub-Registrar-1 (in the cadre of District Registrar),
North Chennai District Registration Office,
Rajaji Salai,
Chennai - 600 001.

6. Shyamala Sasikanth

... Defendants

Civil Suit is filed under Order VII Rule 1 of Civil Procedure Code r/w.

Order IV Rule 1 Original Side Rules to pass a:

a) Preliminary decree for partition and separate possession of the
plaintiff's one fourth share in the suit property;



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b) Declare the Power of Attorney dated 18.08.2010 which is recited in Doc.No.352 of 2010 on the file of Joint Sub Registrar-1, North Chennai as concocted which will not bind the plaintiff's share with regard to suit schedule property;

c) Declare the "No objection" stated in the mortgage deed registered as document No.352 of 2010 on the file of Joint Sub Registrar-1, North Chennai as false representation which will not bind the plaintiff's share with regard to suit schedule property;

d) consequently declare the simple mortgage created by the 3rd defendant with 4th defendant registered as Document No.352 of 2010 on the file of Joint Sub-Registrar-1, North Chennai is not binding the plaintiff's 1/4 share in suit schedule property;

e) to pass final decree by appointing a Advocate Commissioner to divide the suit property by demarcate as per the preliminary decree,

f) to determine the future mesne profits under Order XX Rule 12 of C.P.C.;

g) to award the cost of the suit.



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For Plaintiff : No appearance
For Defendants : No appearance

JUDGMENT

On 03.04.2023, this Court has passed the following order:

"Today when the matter is taken up for hearing, there is no representation for plaintiff, despite the matter has been returned from the Additional Master-I with the following endorsement, dated 22.12.2016:

"Received from Hon'ble Court. Counsel for plaintiff prayed for time to let evidence. At request, post on 11.01.2017 for filing PA of P.W.1."

2. Hence, Registry is directed to list the case on 12.04.2023 under the caption "For dismissal".

2. Even though the matter is listed today under the caption "For dismissal", there is no representation for the plaintiff. Hence, this Court is inclined to dismiss the suit for default.

3. Accordingly, the Civil Suit is dismissed for default.

06.06.2023

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

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