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C.S. No.190/2---

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.S. No.190 of 2015

K.N.M.Yassar Arafath

... Plaintiff

Vs.

1. S.M.S.Fathima Gani
2. Zaithoon Beevi
3. P.M.Kamitha Banu
4. K.Mohamed Adam

... Defendants

Civil Suit is filed under Order IV Rule 1 & Order XXIV of O.S.Rules read with Order VII Rule 1 of Civil Procedure Code to pass a Judgment and decree in favour of the plaintiff against the defendants:

a) for the relief of declaration declaring the half share in the Schedule-A mentioned property forms part of the estate of deceased K.M.Noor Mohammed and for the consequential relief of permanent injunction restraining the defendants 1 to 4, their men, agents, servants or anybody claiming under them from any way alienating or otherwise encumbering the Schedule – A mentioned property;

b) for the relief of partition and separate possession of plaintiff's 2/8th share each in the Schedule – A & B mentioned properties and 2/4th share each in the Schedule-C & D mentioned properties and allot such shares by good and bad soil;

c) pass a decree for permanent injunction restraining the defendants 1 to 4 their men, agents, servants or anybody claiming under them from anyway alienating or otherwise encumbering the suit schedule properties;

d) directing the defendants 1 to 4 to pay future mesne profits from the date of plaint till the date of delivery of possession;

e) award costs of the suit.



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For Plaintiff : Mr.K.Mahendran
for M/s. Mcgan Law Firm
For Defendant : Mr.A.Palaniappan

JUDGMENT

The learned counsel on both sides are present today.

2. The learned counsel for the defendants submitted that in view of the written statement filed by the fourth defendant by stating that the plaintiff is not the natural born son of the first defendant and her husband, the plaintiff himself has come forward to withdraw the suit. However, the learned counsel for the plaintiff submitted that he did not receive any instruction from his client for a long time.

3. The plaintiff is present today and he is identified by the learned counsel for the plaintiff. The plaintiff had stated that he wishes to withdraw the suit unconditionally and he had also made an endorsement to that effect.

4. In view of the submission made by the plaintiff and the endorsement made by him, the Civil Suit is dismissed as withdrawn. No costs.

16.03.2023

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

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