



C.S.No.546 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE **MS.JUSTICE R.N.MANJULA**

C.S.No.546 of 2015

V.S.Rajan @ Venkatachari Soundararajan

... Plaintiff

Vs.

1.Sri.Badri Narayanan

2.Smt.Kala Badri Narayanan

... Defendants

Prayer: Complaint filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of C.P.C., praying for the following judgment and decree as against the defendants;

a) Declaring the Settlement Deed dated 22.02.1989 registered as Document No.686/1989 executed by the plaintiff in favour of the 2nd defendant is null and void.

b) Declaring the title of the plaintiff in respect of the suit property and consequentially directing the defendants to deliver possession of the suit property to the plaintiff.

c) to direct the defendants to pay the costs of the suit.



For Plaintiff : Ms.N.Devi
For Defendants : Ms.Uma Vijayakumar

JUDGMENT

The suit has been filed seeking declaration of the Settlement Deed dated 22.02.1989 registered as Document No.686/1989 executed by the plaintiff in favour of the 2nd defendant is null and void and to Declare the title of the plaintiff in respect of the suit property and consequentially direct the defendants to deliver possession of the suit property to the plaintiff.

2. On 20.06.2023, this Court has passed the following order:

This suit has been filed by the plaintiff to declare the registered settlement deed dated 22.02.1989 in favour of the second defendant as null and void.

2. The plaintiff is the maternal uncle of the first defendant and the second defendant is the wife of the first defendant. It is seen from the earlier proceedings and the orders passed by this Court that the plaintiff's daughter and her husband who have been examined as D.W.2 & D.W.3, had supported the case of the defendants.



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3. It is submitted by the learned counsel for the defendants that the daughter of the deceased plaintiff herself has admitted the settlement deed executed by her father in favour of the second defendant.

4. The plaintiff who was too old at the time of filing the suit is said to have died recently. His only daughter is also supporting the stand of the defendants. However the learned counsel for the plaintiff submits that the wife of the plaintiff is alive and she is residing at Canada.

5. The learned counsel for the plaintiff asserted that the plaintiff died. The death of the plaintiff is recorded. However at the request of the learned counsel for the plaintiff, to take steps if any, the matter is ordered to be listed on 30.06.2023.

3. Today when the matter was taken up for hearing, the learned counsel for the plaintiff submitted that she has not received any instructions from the plaintiff's family.



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4. The plaintiff is said to have got only one daughter who also supports the case of the defendants.

5. The learned counsel for the defendants filed the death certificate along with a memo to show the death of the plaintiff at Apollo Speciality Hospital, Chennai on 26.05.2023. In such case, it is very difficult to believe that the plaintiff's wife who is also a senior citizen and lives in Canada would give instructions to the plaintiff's counsel.

6. The case is pending without any progress. In the absence of any steps for the deceased plaintiff, the suit would get abated. Without any purpose, the suit which has already got abated is kept pending on file. Hence the suit is dismissed as abated. No costs.

30.06.2023

Index : yes / no
Internet : yes / no
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