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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

C.S.Nos.146 & 243 of 2020

and O.A.No.26 of 2022

and O.A.Nos.205, 443 & 444 of 2020

C.S.Nos.146 of 2020

1.Rashmi Pithavadian

2.Meenakshi Sivaraman

... Plaintiff

Vs

1.Anil Jain

2.Edith Pithavadian

3.Vasanthy Chellappa

4.R.Shakunthala Pithavadian

... Defendants

PRAYER: Civil Suit filed under Order VII Rule 1 of the Civil Procedure Code r/w. Order IV Rule 1 of the Original Side Rules praying for:

(a)pass a preliminary decree for partition and separate possession of 1st plaintiff's one fourth share in the suit property.

(b)Decree for permanent injunction restraining the defendant and his men and agents from, in any manner interfering with plaintiff's possession or cause any further damage to land and building of the suit property.



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(c) Decree for mandatory injunction directing the defendant to restore the property unlawfully demolished by the defendant to the status as it remained before 15.05.2020.

(d) Decree for damages caused by demolition of a portion of the building valued provisionally at Rs.15,00,000/- or decree for such sum as the court may determine

(e) Award cost of the suit and grant such other reliefs as may be just and necessary.

For Plaintiff : Mr.M.Sunil Kumar

For Defendants : Ms.Aishwarya S.Nathan for D1
: Mr.Rahul Balaji for D2 to D4

C.S.Nos.243 of 2020

1.R.Shakunthala Pithavadian
2.Edith Pithavadian
3.Vasanthy Chellapa

... Plaintiffs

Vs

1.Rashmi Pithavadian
2.Ranjit Raj William



3.Meenakshi Sivaraman

4.Anil Jain

... Defendants

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PRAYER: Civil Suit filed under Order VII Rule 1 of the Civil Procedure Code r/w. Order IV Rule 1 of the Original Side Rules praying for:

(a) to declare the Settlement Deed dated 03.02.2011 and registered as Document No.95 of 2011 in the office of the Sub-Registrar Joint II, (District Registrar Cadre), Thousand Lights, Chennai Central by Late Anand Rajkumar Pithavadian in favour of the 1st defendant Miss.Rashmi Pithavadian as illegal, invalid and non-est, vitiated by fraud and consequently inoperative as against the 1st plaintiff in respect of her interest in the Schedule II 'A' property morefully described in the plaint schedule;

(b)Consequently grant a decree for permanent injunction restraining the 1st defendant, her men, agents, servants or any other person or persons from interfering with the 1st plaintiff's peaceful possession of the suit property along with the 4th defendant except in accordance with law;

(c)Grant a decree of declaration that the purported agreement for sale dated 28.02.2020 and registered as Document No.273 of 2020 in the Office of the Sub-Registrar Joint II, (District Registrar Cadre), Thousand Lights, Chennai



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Central executed by the 1st defendant acting through 2nd defendant in favour of the 3rd defendant as illegal, invalid and non-est in the eyes of the law and inoperative as against the 1st plaintiff in respect of the schedule II 'A' property morefully described in the plaint schedule;

(d) Directing the defendants 1 to 3 to pay the 1st plaintiff as sum of Rs.1,00,00,000/- with future interest at 28% p.a from the date of plaint till the date of realization as damages on account of the fraudulent documents/ transactions created by them in collusion and connivance in respect of Schedule II Schedule 'A' property;

(e) Grant a decree for mandatory injunction directing the 1st defendant to cancel and surrender the Settlement Deed dated 03.02.2011 and registered as Document No.95 of 2011 in the office of the Sub-Registrar Joint II, (District Registrar Cadre), Thousand Lights, Chennai Central on a day to be fixed by this Hon'ble Court as described in Schedule III of plaint schedule;

(f) Grant a decree for mandatory injunction directing the defendants 1 to 3 to cancel and surrender the agreement for sale dated 28.02.2020 and registered as Document No.273 of 2020 in the office of the Sub-Registrar



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Joint II, (District Registrar Cadre), Thousand Lights, Chennai Central on a day to be fixed by this Hon'ble Court as described in Schedule III of plaint schedule;

(g) Grant a decree for permanent injunction restraining the defendants 1 to 3, their men, agents, servants or any other person or persons from claiming through them from in any manner interfering with the plaintiff's and 4th defendant's possession and enjoyment of the suit property or developing the same in any manner except in accordance with law;

(h)(g) Grant a decree for permanent injunction restraining the defendants 1 to 3, their men, agents, servants or any other person or persons from claiming through them from in any manner alienating or dealing with the suit schedule property either by way of sale, mortgage, lease or joint development or any other mode except in accordance with law;

(i) Grant such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

(j) Grant Costs of the suit.

COMMON ORDER



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Learned counsels appearing for the plaintiffs' in the respective suits would seek permission of this Court to withdraw the same, as the parties for to the suit have settled the dispute out of the Court. They have also made an endorsement to that effect in the Court bundle.

2.Recording the said submission of the learned counsels appearing for the plaintiffs' in the respective suits, these Civil Suits are permitted to withdraw as settled out of Court. The plaintiffs in the respective suits are entitled to refund of the Court as applicable. The defendants 2 to 4 in C.S.No.146 of 2020 who had also filed their counter claim are also entitled for refund of Court fee as applicable. Hence, these Civil Suits are dismissed as settled out of Court . Consequently, connected applications are also closed. However, there shall be no order as to costs.

18.04.2023

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Index: Yes/no

Speaking order: Yes/no

Neutral citation: Yes/no



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K.KUMARESH BABU,J.

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