



C.S. No.385 of 2017 & O.A. No.534 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2023

CORAM : JUSTICE N.SESHASAYEE

C.S. No.385 of 2017 and O.A. No.534 of 2017

Deepak Ranjit Martyn

.... Plaintiff

Vs

1.Julian Rajiv Martyn

2.Mrs.Alexandriya

3.Devasahayam

4.Clement Martyn

Rep. by Power of Attorney

Mr.J.Evan Selvaraj

(1st plaintiff is transposed as 4th defendant as
per order dated 19.01.2022 in A. No.83/2022)

.... Defendants

Prayer : Civil Suit filed under Order IV Rule of O.S. Rules read with Order VII Rule 1 of CPC for a judgment and decree (a) to pass a preliminary decree for partition of Schedule 'C' property hereunder into four equal shares and allot 2/4th share to the 1st plaintiff herein and 1/4th share to the 2nd plaintiff herein and to pass a preliminary decree for partition of schedule 'D', 'E', 'F', 'G' and 'H' properties hereunder into two equal shares and allot 1/2 share to the 2nd



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plaintiff herein; (b) to declare the settlement deed dated 09.07.2012 executed by Late.Christopher Martyn in favour of Julian Rajiv Martyn, the 1st defendant herein, registered as Document No.1617 of 2012 in the office of Sub Registrar, Mylapore, Chennai, as illegal, invalid, sham and nominal and consequently declare the same as non-est in the eye of law and not binding on the plaintiffs; (c) for a permanent injunction restraining the first defendant herein, his agents, servants and men and everyone claiming under him or acting on his behalf from in any way alienating the plaintiffs' 3/4th share in the suit schedule 'C' property hereunder; (d) for a permanent injunction restraining the first defendant herein, his agents, servants and men and everyone claiming under him or acting on his behalf from in any way alienating the 2nd plaintiff's 1/2 share in the suit schedule 'D', 'E', 'F', 'G' and 'H' properties hereunder; directing the defendants to pay the costs of the suit to the plaintiff.

For Plaintiff : Mr.S.Prem Auxilian Raj

For Defendants : Ms.L.Margaret



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JUDGMENT

Pursuant to the direction of this court dated 01.02.2023, learned counsel for the plaintiff, has circulated a copy of the e-mail through which he tried to establish contact with his client. The same is received and recorded by this court. The suit is dismissed for default. No costs. Consequently, the connected original application is closed.

02.02.2023

Asr



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N.SESHASAYEE.J.,

Asr

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