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C.S.Nos.315 & 353 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2024

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THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.Nos.315 & 353 of 2021
and O.A.Nos. 785, 652 & 651 of 2021

Geetha Malleswari @ Geetha Anand

.. Plaintiff in C.S.No.353 of 2021

Udaya Karthi.K

.. Plaintiff in C.S.No.353 of 2021

Versus

1.K.Venkata Subamma

2.K.V.Subba Rao

.. Defendants in both suits

Prayer in C.S.No.315 of 2021: Complaint filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure, to pass a judgment and decree to :

- a) declaration that the 1st defendant has no right to execute any document so as to create any charge, encumbrance or lien of any nature on the schedule property as clause 'a' of the Settlement Deed dated 12.06.2013 registered before the SRO, Thiyagaraya Nagar as



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document No. 1424 of 2013 is bad and non-est in law and not binding on the plaintiff herein;

- b) permanent injunction restraining the 1st defendant from in any manner interfering with the title and disturbing the plaintiff's peaceful possession and enjoyment of the schedule property as his residence subject to the right of peaceful co-existence vested with the 1st defendant in view of the life interest reserved for the 1st defendant under the Settlement Deed dated 12.06.2013 registered before the SRO, Thiagaraya Nagar as Doc.No.1424/2013 and;
- c) permanent injunction restraining the 2nd defendant, his men, agents and representatives from in any manner whatsoever, entering into the schedule property or interfering with the peaceful possession, enjoyment and title of the schedule property by the plaintiff at any time.
- d) to direct the defendants to pay costs of this suit.

Prayer in C.S.No.353 of 2021: Complaint filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure, to pass a judgment and decree to :

- a. declaration that the 1st defendant has no right to execute any



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document so as to create any charge, encumbrance or lien of any nature on the schedule property as clause 'a' of the Settlement Deed dated 12.06.2013 registered before the SRO, Thiagaraya Nagar as document No. 1423 of 2013 is bad and non-est in law and not binding on the plaintiff herein;

b. permanent injunction restraining the 1st defendant from in any manner interfering with the title and disturbing the plaintiff's peaceful possession and enjoyment of the schedule property as his residence subject to the right of peaceful co-existence vested with the 1st defendant in view of the life interest reserved for the 1st defendant under the Settlement Deed dated 12.06.2013 registered as Doc.No.1423/2013, SRO, Thiagaraya Nagar and;

c. permanent injunction restraining the 2nd defendant, his men, agents and representatives from in any manner whatsoever, entering into the schedule property or interfering with the peaceful possession, enjoyment and title of the schedule property by the plaintiff at any time.

d. to direct the defendants to pay costs of this suit



C.S.Nos.315 & 353 of 2021

WEB COPY In both suits

For Plaintiffs : Mr.M.L.Joesph
for M/s.Chennai Law Associates

For Defendants : Mr.A.Ganesan

COMMON JUDGMENT

The learned counsel for the plaintiffs seeks permission of this Court to withdraw these Civil Suits and he has also made endorsements to that effect.

2. In view of the submission of the learned counsel for the plaintiffs and the endorsements so made, these Civil Suits are dismissed as withdrawn. No costs. Consequently, connected applications stands closed.

02.01.2024

dhk
Internet : Yes
Index : Yes / No
Speaking order / Non Speaking order



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N. SATHISH KUMAR, J.

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