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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.S. No.134 of 2017

Mrs.Banni Bai

... Plaintiff

Vs.

1.D.Balaraman

2.Tmt.Mohideen Fathima

... Defendants

PRAYER: The Plaint filed under Order VII Rule 1 of CPC and Rule IV Rule 1 of CPC read with Order IV Rule 1 of High Court Original Side Rules praying to pass a judgment and decree against the defendants to grant a Judgment and Decree for Declaration that the plaintiff is the absolute owner of the property viz., vacant land and building at Door No.56, East Cost Road, (Muttukkadu Road), Thiruvanmiyur, Chennai -41 i.e., situated in Village No.140, Thiruvanmiyur Village, Mylapore -Triplicane Taluk, Madras District, comprised in S.No.97/1B which is morefully described in the schedule hereunder, consequently, grant permanent injunction restraining the defendants, their men agents, servants or anyone acting on their behalf or claiming through them from in any way interfere with the peaceful possession and enjoyment of the plaintiff in the suit property which is more fully described in the schedule hereunder.



P.B.BALAJI, J.

For Plaintiff : Mr.C.Umashankar

For Defendants : Mr.Ashok Menon for D1

J U D G M E N T

It is submitted that both the defendants in the suit are no more, Suit is already been abated. Mr.Balachander, learned counsel who appeared originally for the first defendant submits that there are no surviving legal heirs for the defendants and therefore, nothing survives in the suit for further adjudication.

2. Mr.C.Umashankar, learned counsel for the plaintiff submits that the suit may be dismissed as abated reserving liberty to approach the Court in the event of any claim by the Legal Heirs. Granting such liberty, the Civil Suit is dismissed as abated. No costs.

30.07.2024

rkp
Index:Yes/No
Internet:Yes/No

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