



WEB COPY

C.S.No.71 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR. JUSTICE P.B.BALAJI

C.S. No.71 of 2017

1.Mr.S.J.Karthikeyan
2.Ms.K.Shoundharya
3.Mr.K.Raghavendran

...Plaintiffs

Vs.

Mr.S.J.Kumaresh

...Defendant

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:

(a) Directing partition of the immovable Property consisting of land measuring about 4,676 square feet, together with building thereon bearing Old Door No.6 (part), New Door No.9 (part), Appu Mudali Street, Mylapore, Chennai 600 004, comprised in R.S. No.2601/43 of Mylapore Village, Mylapore Village & Taluk, Chennai District, more fully described in Schedule 'A' hereunder, and the movable properties listed in Schedule 'B' hereunder into four equal shares and allot to the Plaintiffs their three -fourth legal share thereof, directing delivery of separate possession of such three-fourth shares thereof;



- b) Directing the defendants to render true and proper accounts to the Plaintiffs in respect of income and expenditure in respect of the Schedule 'A' Property-including interest income derived from deposit of rental advances and security deposits -from October 2013 till the day preceding the date of this Plaint and allot to the Plaintiffs three-fourth share of the net-income, failing which appoint an Advocate Commissioner to take such accounts in respect of the said income from schedule 'A' Property herein for the said period and allot to the Plaintiff three-fourth share of the net-income;
- c) Directing the defendant to render true and proper accounts to the plaintiffs in respect of income and expenditure in respect of the Schedule 'A' Property- including interest income derived from deposit of rental advances and security deposits -from the date of this Plaint till the date of delivery of possession of three-fourth share of Schedule 'A' Property herein, and allot to the Plaintiffs three-fourth share of the net-income, failing which appoint an Advocate Commissioner to take such accounts in respect of the said income from Schedule 'A' Property herein for the said period and allot to the Plaintiffs three-fourth share of the net income.
- d) Directing the defendant to pay the Plaintiffs the costs of the suit.

For Plaintiffs : No Appearance

For defendant : Mr.G.RM.Palaniappan

**JUDGMENT**

Mr.G.RM.Palaniappan, learned counsel for the defendant is present. On 17.04.2024, when the matter was taken up for hearing, there was no representation on behalf of the plaintiffs. Hence, this Court directed the Registry to list the matter under the caption 'for dismissal'.

2. Today also, there is no representation for the plaintiffs. Therefore, this Civil Suit is dismissed for non prosecution. No costs.

18.04.2024

Index :Yes/No
Internet : Yes/No
Neutral Citation :Yes/No.
Speaking order/Non-speaking order
rkp

To:
V.R.Section,
Madras High Court,
Madras.



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P.B.BALAJI, J.

rkp

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