



C.S.No.209 of 2002

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 10.01.2025

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.S.No.209 of 2002

K.Maiyyan

...Plaintiff

-Vs-

1.Vimala Dharmalingam
2.S.Dharmalingam
3.Joseph Isaac
4.Irudayaswamy
5.K.Thilagavathy
6.K.Prasad

...Defendants

Prayer:- This suit is filed under Order VII Rule I CPC read with Order IV Rule 1 of OS Rules, seeking;

i) to direct the defendants to pay to plaintiff a sum of Rs.16,66,000/- along with interest at 24% p.a. from 1.1.2001 on which date, the defendants admittedly collected the said sum from third parties till the date of payment;

(ii) for a permanent injunction restraining the defendant's, their men, agents, servants and legal heirs or any one claiming any right under the defendants, from interfering with the plaintiff's possession and right over the Five Flats viz. A-22, B-23, B-25, B-26 and B-27 in the third Floor of Yamuna Homes, Parameswari Nagar, 4th Street, Adyar, Chennai-20, as described in the Schedule by alienating or encumbering or attempting to enter into any arrangement/agreement of sale in respect of the said flats with any third parties, either directly or indirectly; and

iii) directing the defendants to pay the costs of the suit.



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For Plaintiff : No Appearance

For D5 & D6 : Mr.R.Srinivas

JUDGMENT

There is no representation on the side of the plaintiff. The learned Additional Master-I has placed this matter before this Court, since there was no representation on the side of the plaintiff on 03.09.2024 for recording the plaintiff's side evidence. This Court, in its earlier order dated 13.12.2024, has also recorded the same. In the said order dated 13.12.2024, it was also made clear that if proper steps are not taken to examine the plaintiff's witness on or before the next hearing date, this Court will be constrained to dismiss the suit for non-prosecution.

Since there is no representation on the side of the plaintiff once again and in view of the fact that the suit is of the year 2002, it can now be inferred that the plaintiff is not interested in prosecuting the suit. Therefore, the suit is dismissed for non-prosecution. No Costs.

10.01.2025

rkm

ABDUL QUDDHOSE,J.



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