



C.S.No.674 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.674 of 2009

1.Jayalakshmi
2.Shanbagavalli
3.Nalini

.. Plaintiffs

Vs.

1.R.Vijayalakshmi
2.M.Maheswaran
3.M.Ravindran
4.Murali
5.Kittu
6.K.Vanitha Rani
7.Dr.K.Priya Kanagaraj
8.K.Anand
(Defendants No.6 to 8 represented
by the power agent P.Venkatachalapathi
9.M.Lavanya
10.M.Jayashree
11.M.Rajarajeswari
(defendants 9 to 11 being minor daughters
of 2nd defendant,represented by the
2nd defendant M.Maheswaran

.. Defendants

Prayer: Civil Suit filed under Order IV CPC Rule 1 of O.S Rules read with
Order XXXIII Rule 1 CPC, praying to pass a judgement and decree against
the respective defendants by;



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- a) passing a preliminary decree declaring that the plaintiffs 1 to 3 are entitled to one share each along with the defendants 1 to 3 and by effecting partition and separate possession of the property mentioned in the schedule 'A' equally by metes and bounds into six shares and allot one such share to each of the plaintiffs and one such share each to 1 to 3 defendants.
- b) passing of a preliminary decree declaring that the plaintiffs are entitled along with defendants 1 & 2 to 1/5th undivided share each and by effecting partition and separate possession equally by metes and bounds into five shares and allot one such share to each of the plaintiffs and one such share each to the defendants 1 and 2 in respect of the properties mentioned in the schedule 'B'.
- c) declaring that the purported sale deed dated 12.12.2005 registered as document No.3019 of 2005 in the office of Sub Registrar of Theagaraja Nagar, Chennai is not binding on the plaintiffs and defendants 1 to 3 and for declaring the same as null and void and for relief of directing the defendants 2 and 6 to 11 to pay unliquidated damages of Rs.5,00,000/- towards causing monetary loss, inconvenience and hardship.
- d) by directing the 3rd defendant to total arrears of a sum of Rs.14,40,000/- together with the accrued interest at the rate of 18% per annum from 06.02.2006 till date of



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realisation in full towards occupation of the said 2nd floor in respect of the same.

e) by directing the 3rd defendant to pay future damages for use and occupation @ Rs.40,000/- per month towards the share of the plaintiffs for the occupation of the said 2nd floor.

f) by directing the 3rd defendant to render proper accounts for the amounts of rents and other incomes derived from the said 'Bhuvaneswari Kalyana Mandapam' commencing from 01.11.2005 till date and allot 1/2 of the entire benefits and profits received by the 3rd defendant towards the share of plaintiffs.

g) by directing the 4th defendant to deposit an amount of Rs.4,60,000/- per month towards monthly damages for use and occupation of the premises to an extent of about 11,500 sq.ft. of the 5 items of building covered under part of 'A' schedule property.

h) by directing the 5th defendant pay arrears of damages for use and occupation of Rs.35,000/- together with accrued interest at the rate of 18% per annum from the date of plaint till the date of payment in full.

i) by directing the 5th defendant to pay future monthly damages for use and occupation of Rs.24,000/- constituting 3/5 of the total shares held by the plaintiffs 1 to 3 in respect of 'B' schedule property.



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- j) directing the respective defendants to pay future interest in the respective prayers
k) for costs.

For Plaintiffs : No Appearance

For Defendants : Mr.S.Ekambaram for D2
M/s.Sampathkumar Associates -D3
Mr.K.V.Sundarajan for D6 to D8

JUDGMENT

When the matter came up for hearing on 25.02.2025, there was no representation on behalf of the plaintiffs and hence, this Court directed the Registry to print the name of the plaintiffs in the cause list and post the matter on 26.02.2025. Even today (26.02.2025), there is no representation on behalf of the plaintiffs either in person or through the counsel on record. Hence, the Civil Suit is dismissed for non-prosecution. No costs. Consequently, connected application is closed.

26.02.2025

Index: Yes/No
Speaking/Non-speaking Order
uma

(1/2)

A.A.NAKKIRAN,J



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