



WEB COPY



A NO. 5113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-01-2025

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A NO. 5113 of 2024

IN

CS NO. 96 OF 2024

Mr.Arun Rajkumar Fredrick
S/o S.James Fredrick, No.11, Harleys road, the
Nook, Kilpauk, Chennai - 10,

Applicant(s)

Vs

S.James Fredrick and 2 others
Maturhai Apt. 5/42, 3rd Floor 13th avenue,
Harrington road, Chetpet - 600 031. and 2 Others

Respondent(s)

For Applicant(s):

Mr. C.R. Prasanna For M/s.B. Manimaran

For Respondent(s):

Mr.V.Raghvachari, Sr.Counsel
for Mr.Abhinav Parthasarathy

ORDER

The application is filed to strike out the pleadings made in paragraphs 5, 6 and 7 of the plaint in C.S.No.96 of 2024. The property held by the wife, claimed by the petitioner /plaintiff, was purchased out his funds. Since there is apparently no fiduciary relationship with the wife, this cannot *per se* be held as the case of the plaintiff, as prayed, contrary to the benami claim. Hence the

DR.G.JAYACHANDRAN, J.



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pleadings cannot be struck out. However, the averments made ought to have a positive basis, which will be pertinent to the plaintiff. Therefore, this application is dismissed.

10-01-2025

To

1. S.James Fredrick and 2 others
Maturhai Apt. 5/42, 3rd Floor 13th avenue, Harrington road, Chetpet - 600 031.
2. Mr.Anand Pradeepkumar Fredrick
S/o James S.Fredick No.12, Harleys Road, Kilpauk, Chennai 10
3. Mrs.Anita Mathew
W/o Sebastian Mathew No.11, HArleys Road, The Nook, Kilpauk, Chennai 10

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