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C.S.Nos.561 and 562 of 2019 and
A.No.3029 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

C.S.Nos.561 and 562 of 2019
and A.No.3029 of 2024

C.S.No.561 of 2019

G.Nagarajan

...Plaintiff

Vs.

1.Indira

2.Vandana D.Bharawani

3.Jitesh D.Bharawani

4.Hitesh D.Bharawani

...Defendants

PRAYER: The Suit filed under Order VII Rule 1 of CPC r/w Order VI Rule 1 of O.S. Rules, praying for the following relieves :

(a) pass a Judgment and Decree declaring that the plaintiff is the absolute and exclusive owner of the Schedule “B” property, consequentially direct the first defendant to handover possession of the same to the plaintiff with a time to be fixed by this Court;

(b) declare the sale deed dated 10.07.2015 executed to the first defendant by defendants 2 to 4 is null and void, and cancel the same;



C.S.Nos.561 and 562 of 2019 and
A.No.3029 of 2024

(c) grant decree of past profits to the plaintiff from first defendant for a period of three years from 10/2014 to 30.09.2017 and future profits until possession of suit property is given to the plaintiff;

(d) grant of decree of permanent injunction restraining the first defendant from alienating or encumbering the suit “B” Schedule Property during the pendency of the Suit;

(e) grant cost.

C.S.No.562 of 2019

Indira

...Plaintiff

Vs.

Nagarajan

...Defendant

PRAYER: The Suit filed under Order IV Rule 1 of the O.S.Rules r/w Order VII Rule 1 of C.P.C., praying for a Judgment and Decree against the defendant:

(a) for declaration that the document dated 25.08.1983 with document No.2312/1983 SRO Kodambakkam said to have been executed by the Deepak along with one R.Lakshmiammal previous owner in favour of the defendant ignoring the effect of invoking provisions of Section 69 of the TP Act on the part of mortgage and also the very execution of the document in



C.S.Nos.561 and 562 of 2019 and
A.No.3029 of 2024

the absence of Deepak S/o.Bharwani along with the signature duly obtained from the Deepak S/o.Bharwani on the part of the defendant is illegal, improper ab-initio void nullity in nature without binding the plaintiff herein in whatsoever to confer the title upon the defendant in the manner known to law;

(b) for permanent injunction restraining the defendant his men, agents, servants, or anybody else claiming under of through them from interfering or encumbering in whatsoever causing prejudice to the rights of plaintiff to hold and possess the schedule property morefully described in schedule unless and until the legal rights of the defendant is duly established in the manner know to law;

(c) costs of the suit.

For Plaintiff(s) : Mr.V.K.Vijayaragavan
in C.S.No.561 of 2019
Mr.M.Balasubramanian
in C.S.No.562 of 2019

For Defendant(s) : Mr.M.Balasubramanian
for D1 in C.S.No.561 of 2019
No appearance for D2 to D4
in C.S.No.561 of 2019



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C.S.Nos.561 and 562 of 2019 and
A.No.3029 of 2024

Mr.V.K.Vijayaragavan
for the sole defendant
in C.S.No.562 of 2019

COMMON JUDGMENT

Today, Mr.V.K.Vijayaragavan, the learned counsel appearing for the plaintiff in C.S.No.561 of 2019 and for the defendant in C.S.No.562 of 2019 filed separate memos stating that the plaintiff in C.S.No.561 of 2019 and the defendant in C.S.No.562 of 2019, are reported dead. But the legal heirs could not be contacted for want of address. Therefore, the learned counsel reports “No Instructions.” The said memos are recorded.

2. Since the plaintiff in C.S.No.561 of 2019 is dead, and no steps have been taken, C.S.No.561 of 2019 is dismissed as abated.

3. As far as C.S.No.562 of 2019 is concerned, the defendant died, and no steps have been taken. Therefore, C.S.No.562 of 2019 is dismissed as abated.



C.S.Nos.561 and 562 of 2019 and
A.No.3029 of 2024

WEB COPY

4. Accordingly, both the suits are dismissed as abated. No costs.

Consequently, the connected miscellaneous petition is closed.

10.11.2025

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Index : Yes/No

Neutral citation : Yes /No

Speaking Order/Non Speaking Order



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C.S.Nos.561 and 562 of 2019 and
A.No.3029 of 2024

P.DHANABAL,J.
dk

C.S.Nos.561 and 562 of 2019
and A.No.3029 of 2024

10.11.2025