



C.S.No.37 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.02.2026

Coram:

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.S.No.37 of 2025

and

O.A.No.180 of 2025

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Mr.Dinesh Kumar

.. Plaintiff

Vs.

1. Mr.Harish Kumar
2. Mrs.Prathiba
3. Mr.Chiraj
4. Mrs.Tanvi
5. Mrs.Indu Luniya
6. Mrs.Usha A Metha
7. Mrs.Sashi Bafna

.. Defendants

Civil Suit filed under Order IV Rule 1 of the Original Side Rules of this Court, read with Order VII Rule 1 of CPC, praying to pass a judgment and decree against the defendants for permanent injunction restraining the 1st defendant from transferring/alienating/mortgaging the mutual funds described in the Schedule units described in the Schedule hereunder and also Bank Account, Demat Accounts and any other moveable assets belonging to (Late) Mrs.Kamala M.Kankaria.

For plaintiffs : M/s.Ralph V.Manohar

For defendants : Mr.V.Srikanth for R-1

M/s.Poovendhan for RR-2 to 7

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JUDGMENT

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Today, learned counsel for the plaintiff has filed an affidavit, dated 23.02.2026 seeks permission of this Court to withdraw the suit with liberty to institute a comprehensive suit for partition and with the result, in respect of the liability of the deceased parents and prayed for three months period to institute a comprehensive suit. The other side has not seriously objected. This Court also perused the affidavit. Since all the properties have not been included, and the suit is for injunction, the petitioner has filed this petition. Therefore, it is appropriate to grant permission. Accordingly, this suit is dismissed as withdrawn with liberty to file a fresh suit. Since the suit is filed only for injunction, and the plaintiff wanted to file the comprehensive suit for partition in respect of the properties, both parties are directed not to create any encumbrance over the properties for three months. With the above said direction and liberty, this suit is dismissed as withdrawn. The plaintiff is entitled to get refund of Court fee as per the Rules. There shall be no order as to costs. The connected miscellaneous application is closed.

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P.DHANABAL, J

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