

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM

THE HON'BLE MRS. JUSTICE T.S.SIVAGNANAM
and
THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

O.S.A.Nos.211 & 212 of 2015
and
M.P.No.1 of 2015

G.Subramanian ... Appellant in OSA
No.211 of 2015/1st
defendant Ist Respondent

1.N.Namachivayam
2.N.Nagabooshanam
3.N.Nagarani ... Appellants in OSA
No.212 of 2015/Applicants/
Plaintiff

Vs.

1.R.Pushparaj
2.R.Thangaraj
3.N.Namachivayam
4.N.Nagabooshanam
5.N.Nagarani Respondents in OSA
No.211 of 2015/Plaintiffs/
Defendants

1.R.Pushparaj
2.R.Thangaraj
3.G.subramanian ... Respondents in OSA
No.212 of 2015/Plaintiff/
Ist Defendant

Original Side Appeals filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent against the order dated 10.4.2015 made in Application Nos.2321/2014 in C.S.No.58 of 2005 filed for declaration and Costs.

A.NO.2321 of 2014: This Application praying that this Hon'ble Court be pleased to permit the Plaintiff to amend the plaint filed in C.S.NO.58 of 2005 etc as stated therein.

For Appellants : Mr.G.Veerapathiran in OSA No.211/15
Mr.S.R.Sundar in OSA No.212 of 2015

For Respondents : Mr.R.Thiagarajan for R1 and R2
in both appeals

COMMON JUDGMENT

(Judgment of the Court was delivered by T.S.SIVAGNANAM, J.)

Heard Mr.G.Veerapathiran and Mr.S.R.Sundar, learned counsel appearing for the appellants and Mr.R.Thiagarajan, learned counsel appearing for R1 and R2/Caveators.

2. After some arguments, the learned counsel for the appellants, on instructions, submitted that they are ready and willing to go ahead with the trial and they may be granted a reasonable time to file an additional written statement and thereafter, additional issues may be directed to be framed and the matter can be set down for trial.

3. The learned counsel appearing for the respondents 1 and 2/caveators has no objection for such course being adopted.

4. One more submission made by the learned counsel for the appellants is that the observations made by the learned single Judge in the impugned judgment should not in any manner affect or prejudice the rights of the appellants.

5. It is needless to state that the impugned judgment is passed in an interlocutory application and any observations made therein would not affect the rights of parties, in the main suit.

6. Accordingly, with the consent of the parties, the appeals stand disposed of with liberty to the appellants to file additional written statement within a period of two weeks from the date of receipt of a copy of this judgment. Thereafter, the matter may be listed before the concerned Court for additional issues being framed, including the question of limitation and the matter may be set down for trial after framing of the additional issues. Considering the fact that the suit is of the year 2005, the learned Master No.III is directed to conclude the trial within a period of two months from today and the parties shall co-operate in the expeditious conclusion of the trial.

It is reiterated that any observations made in the impugned judgment will not prejudice the rights of parties during trial.

7. The learned counsel for the appellants submitted that the cost, as awarded in the impugned judgment, has been received by the appellants.

8. The appeals are disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk

To

The Sub-Assistant Registrar
Original Side,
High Court, Madras.

+1 cc to M/S.K.Moorthy, Advocate sr.57879
+1 cc to M/S.G.Veerapathiran Advocate sr.57876
+1 cc to M/S.R.Thiagarajan Advocate sr.58069

O.S.A.Nos.211 and 212 of 2015

सत्यमेव जयते

aa04/11/2015

WEB COPY