



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-02-2015

CORAM

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

ORIGINAL SIDE APPEAL No.41 of 2015

M/s.Kamal Chat House
Rep. By its Partner
Vimal Kishore
No.339, Mint Street
Chennai 600 079

.. Appellant

vs

1.The Official Trustee of Tamil Nadu
High Court, Chennai 600 104.
2.Vishal S.Ved

.. Respondents

Original side appeal preferred under Order XXXVI Rule 11 of O.S. Rules read with Clause 15 of Letters Patent against the order dated 20.9.2013 made in A.No.3079/2013 in O.P.No.88/1960.

For Appellant : Mrs.Chitra Sampath
Senior Counsel
for M/s.AAV Partners

For Respondents : Mr.C.Manickam
Official Trustee for R1

Mr.A.M.Amutha Ganesh
for M/s.Norton & Grant for R2

JUDGMENT

(Judgment of the Court was delivered by
THE HON'BLE CHIEF JUSTICE)

Learned Counsel has entered appearance for respondent No.2.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The grievance made is that the impugned order is a non-speaking order and thus, the rights of the appellant have not been determined in accordance with law.



3.Learned Counsel for second respondent cannot dispute that the impugned order is a non-speaking order.

4.The result of the aforesaid is that the impugned order is set aside and the matter is remanded before the learned Single Judge for being decided in accordance with law.

5.Learned Counsel for respondent No.2 states that in the meantime, the first respondent has already executed a lease deed in favour of the second respondent, whom he represents. That being the position, whether it has to be re-conveyed back to the first respondent or not would be an aspect to be dealt with by the learned Single Judge and not merely by setting aside the impugned order.

6.The original side appeal accordingly, stands allowed.
No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

nsv

To:

1.The Official Trustee of Tamil Nadu
High Court,
Chennai 600 104.

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

1 cc to M/s.A.A.V. Partners, Advocates, 7054

O.S.A.No.41 of 2015

ALA (CO)
kk 21/2