



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

O.S.A.No.78 of 2015
and
M.P.No.1 of 2015

S.R.Kandhimathi Ammal ...Appellant & Respondent/
Defendant in O.A.714/2014

vs

R.Sumathe ...Respondent/Applicant/
Plaintiff in O.A.714/2014

Appeal filed under Clause 15 of the Letters Patent read with Order XXXVI, Rule 9 of Original Side Rules against the order made in Original Application No.714 of 2014 in C.S.No.579 of 2014, dated 27.02.2015.

For Appellant .. Mr.P.S.Raman
Senior Counsel
for
M/s.T.Velumani

For Respondent .. Mr.AR.L.Sundaresan
Senior Counsel
for
Mr.V.Chandrasekaran

Prayer in O.A.714/2014: To appoint a receiver to take charge of the properties descrocted in the Schedule appended to the Judge's Summons and collect the rental income there from and deposit the same to the credit of the suit in this Hon'ble court pending disposal of the above suit.

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Notice in the appeal was restricted only on one aspect i.e. while excluding Item No.6 in the schedule of property from an injunctive order taking into consideration it was individually owned, similar treatment ought to have been meted out to even Item No.4 as



that was the property owned by the Partnership Firm and the deceased husband of the appellant was not a Partner in that Firm.

2. To that limited extent, the learned Senior Counsel appearing for the respondent, on instructions, has no objection.

3. We, thus, accede to the request as aforesaid and modify the impugned order limited to the aforesaid extent including Item No.4 in the schedule of property along with Item No.6 instead of confining it only to Item No.6.

4. The appeal is accordingly disposed of, leaving the parties to bear their own costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

Deputy Registrar (Judicial)

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Sub Asst. Registrar

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Copy to:

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

+2 ccs to Mr.T.Velumani, Advocate, sr.49456

O.S.A.No78 of 2015

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