

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

C.S.No.357 of 2011

- 1.Chandrakala Jaiswal,
Proprietrix,
M/s.C.K.Bearing Company,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 2.V.Sridharan,
Proprietor,
M/s.Standard Agency Company,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 3.D.Dhanasekar,
Proprietor,
M/s.Raasi & Company,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 4.M/s.Southern Bearings and General Suppliers,
Represented by its Partner,
Mr.Suresh Chandra Jaiswal,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 5.M/s.Jagdama Bearings,
Represented by its Partners,
Atul Kumar Agarwal,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.

- 6.Ashok Kumar Pandey,
Proprietor,
M/s.Ashoka Bearing Centre,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 7.Mrs.P.Prema,
Proprietrix,
M/s.Sree Vidhya Associates,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 8.Mr.Narendra Kumar Somani,
Proprietor,
M/s.R.K.Bearings,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 9.Jitendra Jaiswal,
Proprietor,
M/s.D.V.Industrial Corporation,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 10.Mr.Mahendra K.Chitalia,
Proprietor, M/s.Arihant Enterprises,
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 11.M/s.Nidhi Enterprises,
Rep. by its Partner Mrs.Sangeetha Motha
New No.276, Old No.196,
Thambu Chetty Street,
Chennai-1.
- 12.M/s.Delite Switchgears Pvt. Ltd.,
Rep. by its Director Mr.Bhaven Davey,
New No.276, Old No.196,
Thambu Chetty Street, Chennai-1.

..

Plaintiffs

Vs.

Mr.S.Sankar,

... Defendant

Prayer: Civil Suit filed under Order IV Rule 1 of Original Side Rules r/w. Order VII Rule 1 CPC praying for a judgment and decree for:

- (a) granting permanent injunction restraining the defendant, his men, servants, agents or any person claiming under him from interfering with the physical possession and enjoyment of their respective portion in the suit schedule property by the plaintiffs and business of the plaintiffs therein in any manner except due process;
- (b) to pay the cost of the suit;
- (c) to pass such further orders as this Court may deem fit an proper in the circumstances of the case.

For Plaintiffs : Mr.R.Sundara Kamesh Marthandan

For Defendant : Mr.K.P.Ashok

J U D G M E N T

The learned counsel appearing for the plaintiffs would submit that without due process of law, plaintiffs have been evicted and super structure has also been demolished and in the light of the said development, nothing survives for adjudication in the Suit as on today; however, prays for Leave to Institute a Suit for damages and also made an endorsement to that effect.

2. The learned counsel appearing for the defendant would submit that on account of settlement reached between the parties, the plaintiffs, on their own volition, had vacated the premises and therefore, nothings survives for adjudication as on today.

3. In the light of the endorsement made, this Suit is dismissed as withdrawn. However, liberty is granted to the plaintiffs to institute a Suit for damages before the competent forum subject to law of limitation. No costs. Refund of Court fee, if any, as per entitlement.

21.04.2016

Index : Yes / No
Internet : Yes / No
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M.SATHYANARAYANAN. J

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