

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.12.2016

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.Nos.3142 to 3144 of 2016
and
C.M.P.Nos.15964 to 15966 of 2016

1. T.K.K.N.N.Vysya Charities
Triplicane, Chennai 600 005.

2. D.V.S.Prasad

3. V.Dhamodhar

4. C.A.Raja

5. M.Kasinath

6. T.G.Venkatesh

... Petitioners in all C.R.Ps.

vs.

Shanthi Engineering Works
rep.by the Managing Partner
Mr.J.Vijay

... Respondent in CRP No.
3142 of 2016

Global Plastics
rep.by its Proprietor
Mr.S.P.Jeyaprakash

... Respondent in CRP No.
3143 of 2016

Mahalakshmi Industries
rep.by its Managing Partner
Mr.S.P.Jeyaprakash

... Respondent in CRP No.
3144 of 2016

Prayer: Civil Revision Petitions filed under Section 115 of the Code of Civil Procedure against the fair and decreetal orders dated 17.06.2016 passed by the learned I Additional City Civil Judge,

Chennai in C.M.A.Nos.108, 109 and 110 of 2015 in reversing the order and decreetal order dated 30.04.2015 passed by the learned XIV Assistant City Civil Judge, Chennai in I.A.Nos.6482, 7136 and 5941 of 2014 in O.S.Nos.2171, 2443 and 1989 of 2014 respectively.

For Petitioners : Mr.S.N.Kirubanandam
in all C.R.Ps

For Respondents : Mr.B.K.Singh
in all C.R.Ps

COMMON ORDER

For the sake of convenience, the parties are referred to hereunder according to their litigative status and ranking in the suits.

2. The defendants are the revision petitioners. Aggrieved by the order passed by the Appellate Court granting injunction in CMA Nos.108, 109 and 110 of 2015, these revisions have been preferred.

2. The brief facts of the case is as follows:

(i) The plaintiffs are the tenants of the land belonging to the first defendant trust and that they have been in possession from the years 1972, 1977 and 1985 respectively they have been remitting monthly rents without any default. It is stated by the plaintiffs that

the first defendant sent a letter to them to pay service tax from 01.04.2008 and also to handover vacant possession within 60 days. As the defendants threatened the plaintiffs to vacate the premises, they have filed the suits seeking permanent injunction restraining the defendants from evicting them from the suit property unless by due process of law. Along with the suits, the plaintiffs also filed I.A.Nos.6482, 7136 and 5941 of 2014 in O.S.Nos.2171, 2443 and 1989 of 2014 respectively, seeking injunction restraining the defendants from interfering with their peaceful possession and enjoyment, pending disposal of the suits.

(ii) The defendants resisted the applications by filing counter affidavits. It is stated that the suit property belongs to a Public Trust, established for the purpose of promoting the welfare of the public, Vysya Community. It is their case that the total extent of the suit property is to an extent of 46 grounds and that it was resolved in the General Body Meeting of the Trust, to develop 10.33 grounds out of the total extent of 46 grounds by entering into a joint development agreement, which was also approved by this Court. As the development of the property would augment income to the benefit of the trust, they required the land in possession of the plaintiffs, which

had triggered off in filing the above suits.

(iii) The learned Trial Judge had dismissed the applications for injunction on the ground that when the High Court had given order in favour of the defendants to develop the suit property, the plaintiffs cannot ask for injunction, as there is no *prima facie* or balance of convenience available in their favour.

(iv) Aggrieved by the said order, the plaintiffs preferred appeals in CMA Nos.108 to 110 of 2015 and the learned Appellate Judge, after discussing the facts of the case held that there is no dispute with regard to the relationship between the plaintiffs and the defendants as tenants and landlords and when the defendants had sought for delivery of possession from the plaintiffs, apprehending eviction, the suits have been filed. By holding that no prejudice would be caused to the defendants, if interim order till the disposal of the suits is granted to the plaintiffs, had allowed the appeals, granting injunction in their favour.

(v) Challenging the same, the defendants have preferred the above civil revision petitions.

3. Heard both sides.

4. When the matter is taken up today, the learned counsel appearing for the revision petitioners/defendants fairly submitted that as injunction has been granted by the Appellate Court, the defendants are not intending to disturb the possession of the plaintiffs till the disposal of the suit. However, the learned counsel would only pray that a specific time frame may be fixed by this Court for the disposal of the suits, as already development work has been in progress in the suit land.

5. As stated already, this Court had given permission to the defendants to promote the property, being a portion of the land. Further, the learned Appellate Judge had also given a direction to the trial court to dispose of the suits at an earlier date.

6. Considering the submission made by the learned counsel for the defendants and also taking into account the fact that the suit itself is only for a bare injunction not to dispossess the plaintiffs without due process of law, the learned Trial Judge is directed to dispose of the

suits, on or before 31.03.2017 and file a report before this Court.

7. With the above direction, all these Civil Revision Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

8. List the matter for reporting compliance on 05.04.2017.

vj2

08.12.2016

To

1. The I Additional City Civil Judge, Chennai
2. The XIV Assistant City Civil Judge, Chennai

PUSHPA SATHYANARAYANA.J

vj2

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