

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 08.12.2016

Coram

The Honourable Mr.Justice K.K.SASIDHARAN
and

The Honourable Mr.Justice V.PARTHIBAN

O.S.A.No.333 of 2012

1. P.Ashok

2. Sivakumar

3. M/s.K.L.S.Vegetable Angadi
K.Kandasamy, Proprietor

4. Bilal

...Appellants

Versus

1. M/s.Firm Foundations,
rep. by Sole Proprietor Mr. C. Kasthuriraj

2. Chezhan

3. M.Arachelvan

4. Magudaraj

5. Salmon A.P.M.Church
First Floor, No.12, Big Street,
Kilpauk Garden Colony,
Chennai-600 010.

6. Fish o Fish
Ground Floor, No.12, Big Street,
Kilpauk Garden Colony,
Chennai-600 010.

7. Aneez,
Dry Cleaning Unit
(Ground Floor and Second Floor),
No.12, Big Street,
Kilpauk Garden Colony,
Chennai-600 010.

...Respondents

Prayer: This Appeal is filed under Order XXXVI Rule 9 of O.S.Rules and Clause 15 of Letters Patent, seeking to set aside the common order and decree dated 17.8.2012 made in A.No.2846 of 2009 in C.S.No.576 of 2000. Application has been filed by the applicant/Plaintiff/Party receiver seeking for issuance of appropriate orders against the respondents 2 and 3 and defendants 4 to 11 for non payment of rent to the party receiver.

For Appellants : Mr.Arun Kumar for
M/s.Sampathkumar & Associates

For Respondents: Ms.R.Gowri Amutha for R1
No appearance for R2 & R3
R4 to R7 given up

JUDGMENT

(Judgment of the Court was delivered by
K.K.SASIDHARAN, J.)

This intra-Court Appeal is filed against the order, dated 17.8.2012 in A.No.2846 of 2009 in C.S.No.576 of 2000, directing the appellants herein, to deposit the rent.

2. After issuing notices and on appearance of the respondents, this Court, vide order dated 31.3.2016, directed the appellants to pay the monthly rents in installments by depositing to the credit of the suit in C.S.No.576 of 2000.

3. Learned counsel for the appellants, on instructions, submitted that the order of this Court dated 31.1.2013, has been complied with by the appellants in its letter and spirit.

4. The appellants being aggrieved by the order passed by the learned single Judge, preferred the present appeal. Now, that the appellants have categorically stated that they have complied with the order passed by this Court, nothing survives for adjudication in this intra-Court appeal. We, therefore, dismiss the appeal as infructuous. However, we make it clear that in case it is made out that the appellants have not

complied with direction referred to above, the first respondent is at liberty to take appropriate action in accordance with law. There shall be no order as to costs.

Sd/-
Assistant Registrar

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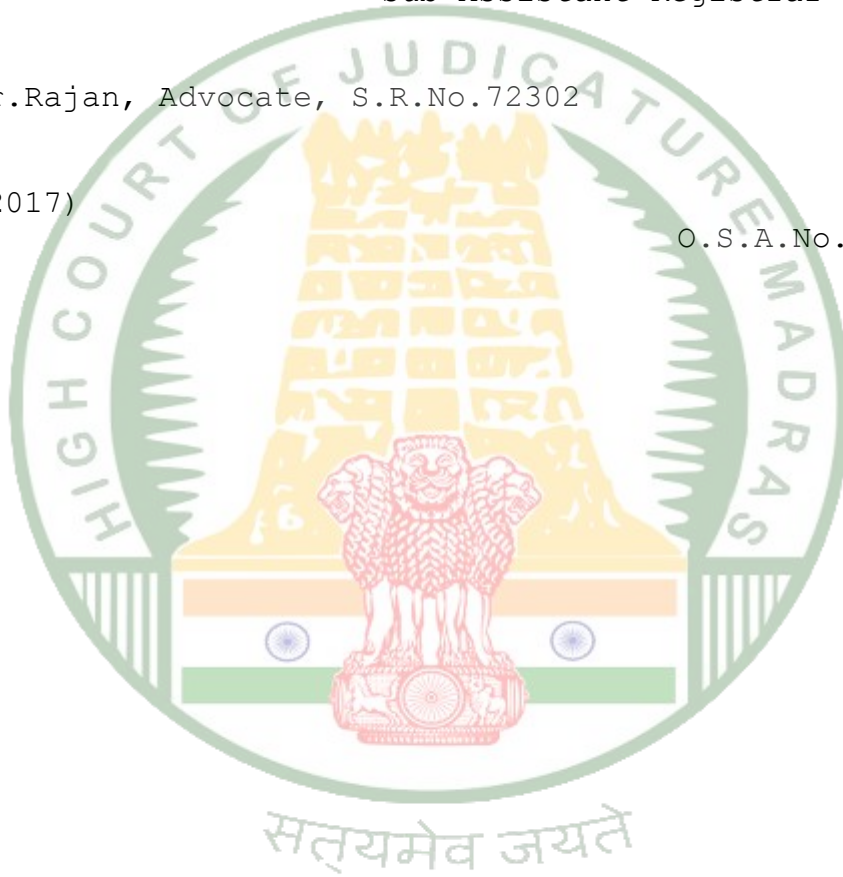
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Sub Assistant Registrar

+1cc to Mr.Rajan, Advocate, S.R.No.72302

SCD(CO)
RS(31/01/2017)

O.S.A.No.333 of 2012



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