

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).Nos.1177 and 1178 of 2014
and
M.P.No.1 of 2014 in each C.R.P.

N.Kareem

.. Petitioner in both C.R.Ps.

Vs.

Shree Velu Builders (P) Ltd.,
Represented by Managing Director,
No.28, 9th Avenue, Ashok Nagar,
Chennai-83.

.. Respondent in both C.R.Ps.

Civil Revision Petition No.1177 of 2014 filed under Article 227 of the Constitution of India, against the judgment and decretal order dated 15.07.2013 in C.M.A.No.10 of 2011 on the file of the Principal District Court, Thiruvallur, against the fair and decretal order dated 01.03.2011 in I.A.No.212 of 2011 in O.S.No.48 of 2011 on the file of the Sub-Court, Poonamallee.

Civil Revision Petition No.1178 of 2014 filed under Article 227 of the Constitution of India, against the judgment and decretal order dated 15.07.2013 in C.M.A.No.11 of 2011 on the file of the Principal District Court, Thiruvallur, against the fair and decretal order dated 01.03.2011 in I.A.No.213 of 2011 in O.S.No.48 of 2011 on the file of the Sub-Court, Poonamallee.

For petitioner : Mr.N.A.Nissar Ahmed

ORDER

The suit in O.S.No.48 of 2011 is filed for permanent injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the suit property and also for permanent injunction restraining the defendant from in any manner contacting or communicating with the clients of the plaintiff for the purpose of propagating false and untrue information in respect of the suit property. Pending suit, I.A.Nos.212 and 213 of 2011 were filed for temporary injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the suit property and for temporary injunction restraining the defendant from contacting or communicating with the clients of the plaintiff for the purpose of propagating false and untrue information in respect of the suit property. Both the said I.As. were tried in common. After hearing both sides, the trial Court has granted temporary injunction in both the I.As. Aggrieved by the same, C.M.A.Nos.10 and 11 of 2011 were preferred by the defendant. Learned appellate Judge, after elaborate consideration of the documents

and arguments of both sides, found that the suit property in O.S.No.48 of 2011, i.e. the present suit, is not the subject matter of the suit in O.S.No.636 of 2001, as found in Ex.P-1. The appellate Court also found that the temporary injunction should be granted in favour of the plaintiff, as the defendant has not proved either his possession or his title. Aggrieved by the said order of the appellate Court, the present Civil Revision Petitions are filed.

2. It is the contention of the learned counsel for the petitioner/defendant that in the injunction suit, which is now pending on the file of the District Munsif Court, Poonamallee in O.S.No.636 of 2001, he has sought to implead more than 100 people, who have purchased the property from the plaintiff in O.S.No.48 of 2011. According to him, he has to take note of the situation as per the order of the Court and the interim injunction now granted in O.S.No.48 of 2011 is operating against him. The said argument may not be correct, as O.S.No.636 of 2001 is pending from 2001 and the parties who are to be impleaded by the revision petitioner herein, are the purchasers from the plaintiff/builder. In the guise of issuance of notice to implead them, the defendant is trying to propagate against the interest of the plaintiff. Therefore, the interim injunction was sought for and it has also been granted. The revision petitioner/defendant, who has got neither title nor possession, cannot be aggrieved by the said order. If there

is any difficulty in obeying the order of the Court and to take private notice to the parties to be impleaded in the suit filed by the defendant, it will always be open for him to club both the suits to be tried together, which would simplify the process. It is also not understandable as to why the said O.S.No.636 of 2001 has been kept pending for more than 15 years, when the relief sought for is only injunction.

3. In the light of the above facts, I see no merits in the case of the revision petitioner. The Civil Revision Petitions are dismissed. No costs. The Miscellaneous Petitions are closed.

31.01.2017

CS

Copy to

1. The District Judge, Thiruvallur.
2. The Sub-Judge, Poonamallee.

PUSHPA SATHYANARAYANA, J

CS

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