

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2017

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

O.S.A.NOS.117 TO 120 OF 2017 AND 136 AND 137 OF 2010
AND CONNECTED C.M.PS
& C.S.NO.409 OF 2016

O.S.A.No.117 of 2017:

- 1 RANI MEYYAMMAI ACHI
(OF CHETTINAD) MEMORIAL CHARITABLE TRUST
REP BY ITS TRUSTEE 5TH FLOOR 603 ANNA
SALAI CHENNAI 600 006.
...APPELLANT in OSA 117 to 120/17 &
22nd Respondent in OSA 136 & 137/17
- Vs
- 1 V. GURUSAMY
S/O. A. VELLAIAN A 2/7 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028.
- 2 K. PALANIAPPAN
S/O. A. KANDAVEL A-9 CHETTINAD HOUSE STAFF
QUARTERS RAJAH ANNAMALAIPURAM CHENNAI 600
028
- 3 K. SUBRAMANIAN
S/O. M. KUPPUSAMY B-7 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 4 L.M. YADIAIAH
S/O. L. MEERAIAH C2/4 CHETTINAD HOUSE
STAFF QUARTERS CHENNAI 600 028.
- 5 V. LAKSHMANAN
S/O. VELLAICHAMY C 3/14 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028

- 6 G. RAMAN
S/O. GURUSAMY C 1/7 CHETTINAD HOUSE STAFF
QUARTERS CHENNAI 600 028.
- 7 S.P. MURUGAN
S/O. S. SUBRAMANIAN C 3/12 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 8 K.N. SUBRAMANI
S/O. K.S. NEELAKANDAN C1/10 CHETTINAD
HOUSE STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028.
- 9 A. MURUGESAN
S/O. ANDI GOUNDER C 1/4 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 10 C. PANDIYAN
S/O. V. CHINNAIAH C-1/13 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 11 V. BASKARAN
S/O. VEERASAMY C-15 CHETTINAD HOUSE STAFF
QUARTERS RAJAH ANNAMALAIPURAM CHENNAI 600
028
- 12 K.R. RAJU
S/O KARUPAIAH C2/8 CHETTINAD HOUSE STAFF
QUARTERS RAJAH ANNAMALAIPURAM CHENNAI 600
028
- 13 R.RANGAN
S/O. R. RAGAVAN A12 CHETTINAD HOUSE STAFF
QUARTERS RAJAH ANNAMALAIPURAM CHENNAI 600
028
- 14 S. SARAVANAN
S/O. K. SRINIVASAN A-14 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 15 C. MURUGAN
S/O. M. CHELLAPPAN C1/14 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028

- 16 J. KARTHIKEYAN
S/O. M. JAGANNATHAN C3/11 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 17 HUSSAINSARIF LABE
S/O. MOHAMED SARIF LABE A-7 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 18 D. VENKATESHAM
S/O. D.M. VEERAI AH A6 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 19 N. SHANMUGAM
S/O. K. NARAYANAN C1/18 CHETTINAD HOUSE
STAFF QUARTERS RAJAH ANNAMALAIPURAM
CHENNAI 600 028
- 20 B. NAGARAJAN
S/O. A. BALU C-1/5 CHETTINAD HOUSE STAFF
QUARTERS RAJAH ANNAMALAIPURAM CHENNAI 600
028
- 21 B. AATHIYAN
S/O. AL PAMBAN C13 CHETTINAD HOUSE STAFF
QUARTERS RAJAH ANNAMALAIPURAM CHENNAI 600 028
2-21 HERE IN REP BY AUTH. V. GURUSAMY
- 22 SOUTH INDIA CORPORATION
PRIVATE LTD. ALSO KNOWN AS CHETTINAD SOUTH
INDIA CORPORATION REP BY ITS PRESIDENT 5TH
FLOOR 603 ANNA SALAI CHENNAI 600 006.

...Respondents 1 to 22 in OSA
117 to 120/17 & Appellant in
OSA 136 & 137/10

- 23 M.A.M.R. MUTHIAH
S/O. SHRI M.A.M. RAMASWAMY RANI SEETHAI
HALL 5TH FLOOR 603 ANNA SALAI CHENNAI
600 006.

....23rd RESPONDENTS in all OSAs

Appeals filed under Order XXXVI Rule 1 of the O.S.Rules read with Order 41 Rule 1 of Code of Civil Procedure and Clause 15 of the Letters Patent to set aside the Fair and Decreeal Order dated 07/09/2016 in O.A.No. 537/16 in CS No. 409 of 2016

O.A.No.538 of 2016:- To grant an Order of interim injunction restraining the respondents/defendants, their men, agents, representatives or anybody acting on their behalf from alienating or creating any encumbrance over the suit schedule property.

A.No.3893 of 2016: To reject the plaint.

A.No.3290 of 2016: To permit us to remit the rents payable in respect or the respective premises leased to us to the credit of the above suit.

A.No.3241 of 2016: To issue a direction directing the 1st respondent to remove the overlook which has been illegally fixed on the applicants apartments mentioned in the schedule.

A.No.4122/16: To reject the plaint.

C.S.NO.409 OF 2016:

- 1 V.Gurusamy
C 2/7 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 2 K.Palaniappan
A-9 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 3 K.Subramanian
B-7 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 4 L.M.Yadaiah
C 2/4 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 5 V.Lakshmanan
C 3/14 Chettinad House Staff Quarters
Rajah Annamalaipuram Ch-28
- 6 G.Raman
C 1/7 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 7 S.P.Murugan
C 3/12 Chettinad House Staff Quarters
Rajah Annamalaipuram Ch-28
- 8 K.N.Subramani
C1/10 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28

- 9 A.Murugesan
C 1/4 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 10 C.Pandiyan
C 1/13 Chettinad House Staff Quarters
Rajah Annamalaipuram Ch-28
- 11 V.Baskaran
C-15 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 12 K.R.Raju
C 2/8 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 13 R.Rangan
A-12 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 14 S.Saravanan
A-14 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 15 C.Murugan
C1/14 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 16 J.Karthikeyan
C3/11 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 17 Hussain Sarif Labe
A-7 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 18 D.Venkateshan
A-6 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 19 N.Shanmugam
C1/8 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28
- 20 B.Nagarajan
C1/5 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28

21 B.Aathiyan
C-13 Chettinad House Staff Quarters Rajah
Annamalaipuram Ch-28

.... Plaintiffs

Vs

- 1 South India Corpn. Pvt. Ltd.
Rep.by its President No.603 Anna Salai
Ch-600 006.
- 2 Rani Meyyamal Achi
(of Chettinad Memorial Charitable Trust) Rep.
by its Trustee No.603 Anna Salai Ch-6
- 3 M.A.M.R. Muthiah
Rani Seethai Hall No.603 Anna Salai Ch-6

.... Respondents

Suit filed under Order VII Rule 1 of the Code of Civil Procedure, 1908 read with Order IV rule 1 of the O.S.Rules seeking a declaration declaring that the plaintiffs are the tenants of the second defendant Trust in respect of their respective residential premises under their occupation as set out in the schedule here under (b) for a permanent injunction restraining the defendants their agents or any one claiming through or under them in any manner interfering with the peaceful possession and enjoyment of the schedule mentioned residential premises by the respective plaintiffs.

Mr.A.L.Somayaji, S.C.
for Mr.T.Balaji - Appellant in O.S.A.Nos.117to120 of
2017
& Respondent No.22 in O.S.A.Nos.136 & 137 of 2017
& Defendant No.2 in C.S.No.409 of 2016

Mr.V.Prakash, S.C.
for Mr.P.L.Ravikumar- Respondent Nos.1 to 21 in
O.S.A.Nos.117to120 of 2017
& 136 and 137 of 2017
Plaintiffs in C.S.No.409 of 2016

Mr.M.S.Krishnan, S.C.
for Mr. Anand for
M/s.T.S.Gopalan - Respondent Nos.22 and 23 in
O.S.A.Nos.117to120 of 2017
& Appellant in O.S.A.No.136 and 137 of 2017
& Defendant Nos.1 and 3 in C.S.No.409 of 2016

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by RAJIV SHAKDHER,J.)

1. To be noted, Mr.A.L.Somayaji, Senior Advocate, instructed by Mr.T.Balaji, appears for Ms.Rani Meyyammai Achi (of Chettinad) Memorial Charitable Trust, Mr.V.Prakash, Senior Advocate, instructed by Mr.P.L.Ravikumar, appears for the tenants, who are impleaded as respondent Nos.1 to 21 in O.S.A.No.117 of 2017 and Mr.M.S.Krishnan, Senior Advocate, instructed by Mr.Anand, appears for South India Corporation Private Limited and Mr.M.A.M.R.Muthiah.

2. We may also note that the Suit, out of which, the present appeals arise, was filed by 21 plaintiffs, who claimed to be the tenants in the suit premises. It appears, that during the pendency of the suit, the following plaintiffs/respondents have vacated the suit premises.

- a) Mr.K.Palaniappan - Plaintiff No.2/Respondent No.2
- b) Mr.V.Lakshmanan - Plaintiff No.5/Respondent No.5
- c) Mr.R.Rangan - Plaintiff No.13/Respondent No.13
- d) Mr.C.Murugan - Plaintiff No.15/Respondent No.15
- e) Mr.Hussain Sharif Labe-Plaintiff No.17/Respondent No.17
- f) Mr.B.Nagarajan - Plaintiff No.20/Respondent No.20
- g) Mr.B.Athiyan - Plaintiff No.21/Respondent No.21

2.1. Accordingly, only fourteen (14) plaintiffs/respondents are interested and, therefore, seek to defend the instant proceedings. The said plaintiffs/respondents are described as Plaintiff Nos.1,3,4,6 to 12,14, 16, 18 and 19/respondent Nos.1,3,4,6 to 12,14, 16, 18 and 19, who will be collectively, hereafter, referred to as "Tenants".

2.2. Similarly, Rani Meyyammai Achi (of Chettinad) Memorial Charitable Trust will be referred to, hereafter, as "Trust").

3. Given this background, after some arguments, counsels for the contesting parties, have agreed that the captioned appeals can be disposed of on the following terms and conditions.

4. Terms and Conditions:

i) The Tenants will attorn to the Trust. The Trust is accepted and shall continue to accept as the landlord of the suit premises in occupation of each of the aforementioned Tenants.

ii) The Tenants will not sub-let or create any third party interest in any of the suit premises, which are in their occupation.

iii) The Trust will have the right to institute appropriate proceedings for ejectment of the Tenants and claim damages and/or mesne profits. The Tenants will have the right to raise every objection, available in law and on facts, qua any relief claimed in such proceedings.

iv) Each of the Tenants will pay by way of protem arrangement use and occupation charges, at the rate of Rs.5,000/- (Rupees five thousand only) per month. Arrears, if any, will be paid within a period of two (2) weeks from today.

v) Pending any such action that the Trust may initiate against the Tenants, no disturbance and/or hindrance will be caused vis-a-vis the possession of the suit premises in their occupation.

5. Counsels for the parties agree that in view of the settlement arrived at among them on the terms set out above, the Suit, i.e., C.S.No.409 of 2016 on the file of the learned single Judge of this Court can also be disposed of.

5.1. Accordingly, as agreed and as indicated above, the captioned appeals will stand disposed of in terms of the settlements set forth hereinabove in paragraph No.4.

6. Consequently, the Suit, i.e., C.S.No.409 of 2016, which is pending on the file of the learned single Judge of this Court, will also stand disposed of.

7. The parties will file their affidavits, within a period of one (1) week from today, undertaking to abide by the terms of the settlement recorded hereinabove.

8. Counsel for the parties have appended their signatures, hereafter, in affirmation of the terms of the settlement.

9. Consequently, the connected applications are closed. However, there will be no order as to costs.

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Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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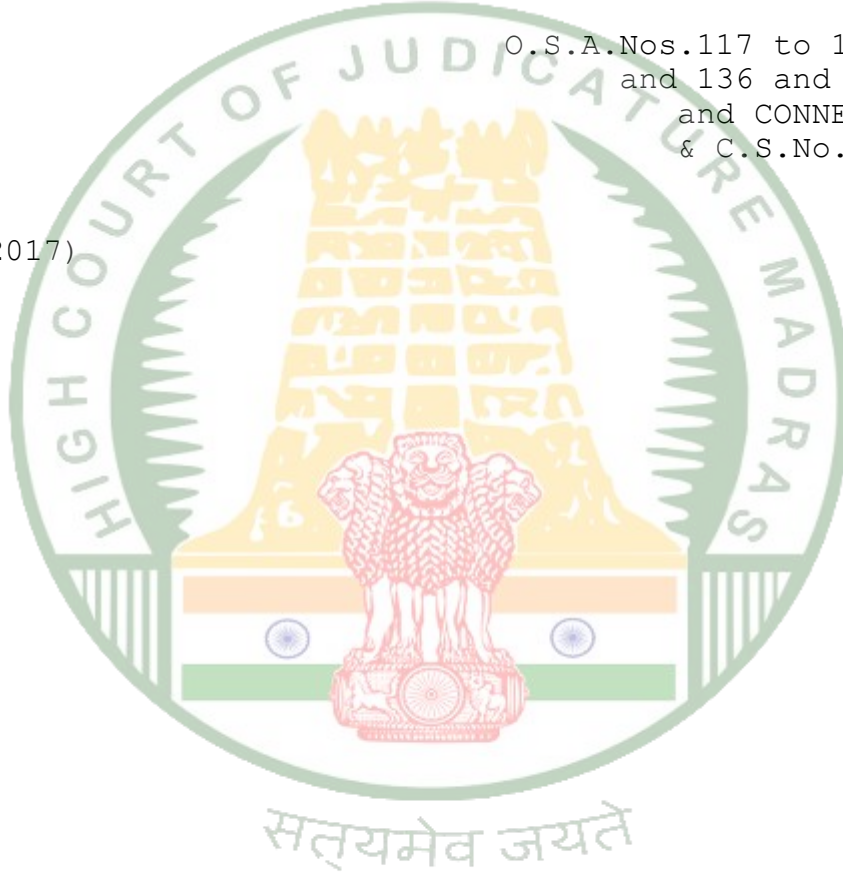
To

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

+1cc to Mr.K. Sudalai Kannu, Advocate Sr. 47997
+4ccs to Mr.T.Balaji, Advocate Sr. 48444 (13/07/2017)
+1cc to M/S.T.S.Gopalan, Advocate Sr. 48179 (17/07/2017)

O.S.A.Nos.117 to 120 of 2017
and 136 and 137 of 2010
and CONNECTED C.M.Ps
& C.S.No.409 of 2016

KJI (CO)
VR(11/07/2017)



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