

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2017

CORAM:

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

O.S.A.Nos.180 and 182 of 2017
and C.M.P.No.12230 of 2017

1. Vyomesh Bipinchandra Shelat
2. Raksha J Goolry
3. Chetan Bipinchandras Shelat
- ... Appellants 1 & 2 rep by
power agent 3rd Appellants
.. Appellants

Vs.

1. Subashchandra Someshwar Shelat
2. Rohit Someshwar Shelat
3. Anil Someshwar Shelat
4. Harnath Someshwar Shelat
5. Indhu Ben V Joshi
6. Usha Ben G Joshi
7. Manoj J Shelat
8. Yaganesh J Shelat
9. Hitesh J Shelat
10.harsha M Joshi
11.Vaani Estates Private Limited,
Rep. by its Director
Mrs.Sasikala Raghupathy,
No.60, Old No.100, 4th Street,
Abhiramapuram,
Chennai-600 018.
12.Meena Joshi
13.Yamini Vasudev Ammasow
14.Harshini Delity
15.M/s.SSPDL Limited
represented by its Managing Director,
Mr.Prakash Challa, No.11, 8th Floor,
Challa Mall, Sir Thegayaraya Road,
T.Nagar, Chennai-600 017.
- सत्यमेव जयते
- .. Respondents

* * *

Prayer : Original Side Appeal filed under Order 36, Rule 1 of Original Side Rules read with Clause 15 of the Letters Patent, against the fair order and decretal order dated 28.09.2016, made in O.A.No.49 of 2015 and O.A.6558/2015 in C.S.No.236 of 2014.

OA:49/2015:

Original Application praying that this Hon'ble be pleased to pass an order of interim injunction restraining the M/s.SSPDL Ltd, the 15th respondent herein, from in any; manner alienating or encumbering or parting with possession of the property being all the piece and parcel of land and building known as shelat Garden situate in No.144, Seevaram Village comprised in R.S.No.39/1B2 measuring 0.1.3 acres situate in old Mahabalipuram Road, Thuraipakkam village, Chennai, more fully described in the Schedule appended to the Judge's summons, and

OA:6558/2015: direct the 15th respondent to hand over the built-up space of 6987 sq.ft., to the applicants/plaintiffs, in the building complex promoted and developed by the 15th respondent in and over the land situated in No.144, Shivaram Village, comprised in Survey No.39/1B2, measuring Ac.01.03 cents, in old Mahabalipuram Road, Thuraipakkam, Chennai, more fully set out in the Schedule appended to the Judge's Summons, to the credit of the suit in C.S.No.236 of 2014.

For Appellants : Mr.B.Harikrishnan

For Respondents : Mr.Arun Karthik
for R2 and R3

Mr.D.Ravichandran for R11

Mr.Sathish Parasaran, Senior Counsel
for Mr.R.Parthasarathy for R15

R1, RR 5 to 9 - No appearance

RR 12 to 14 - Given up

COMMON JUDGMENT

[Judgment of the Court was made by RAJIV SHAKDHER, J.]

1. These appeals have been filed against the judgement and order of the learned Single Judge dated 28.09.2016.

2. The appeal filed by respondent No.11 against the very judgement and order, which was numbered as O.S.A.No.45 of 2017 has been disposed of today by us.

3. Notice, in these appeals, was issued on 26.07.2017. Amongst the respondents, the following are represented : Mr.Arun Karthick, represents respondent No.2 and 3, while Mr.D.Ravichander represents respondent No.11. Respondent No.15 is represented by Mr.Sathish Parasaran, instructed by Mr.R.Parthasarathy.

4. Mr.B.Harikrishnan, learned counsel for the appellants says that he does not wish to press the appeals against respondent No.12 to 14.

4.1. The said statement is taken on record.

4.2. Accordingly, respondent No.12 to 14 are deleted from the array of parties.

5. The record shows that respondent No.1 and 5 to 9 have also been served. It appears that only respondent No.4 and 10 have not been served.

6. In view of the directions that we propose to pass, which pertain to expedition of the suit proceedings, in our view, the Court need not wait for effecting service, in these appeals, on respondent No.4 and 10.

7. To be noted, after some arguments, learned counsels for the respondents, who are represented and who are also defendants in the suit, i.e., C.S.No.236 of 2014, contended that these appeals can be disposed of, with the following agreed directions :

(i) The matter will be placed before the learned Master on 08.09.2017, for completion of service in C.S.No.236 of 2014.

(ii) Immediately, after service is completed, the learned Master will ensure that the matter is placed before the learned Single Judge for completion of pleadings and framing of issues.

(iii) In line with what is stated above, the learned Master will ensure that expeditious steps are taken for effecting service on all unserved defendants. The matter will be monitored on a continuous basis, by giving short fixed dates.

(iv) Counsels who represent respondents/defendants shall appear before the learned Master on the date given above.

(v) The learned Master will endeavour to complete service within six (6) weeks from today.

(vi) The parties may also give their draft issues to the learned Single Judge to hasten the process of framing of issues. Failing which, the learned Single Judge is requested to frame issues.

(vii) If, the parties and their respective counsels are agreed, the learned Single Judge may set out time lines requiring filing of proof affidavits and have the matter placed before the learned Master for recording of evidence.

(viii) Furthermore, the learned Single Judge is requested to have the process of recording the evidence completed by 31.12.2017.

8. The appeals are disposed of in the aforementioned terms.
Resultantly, pending application shall stand closed. No costs.

Sd/-
Asst.Registrar (CO)

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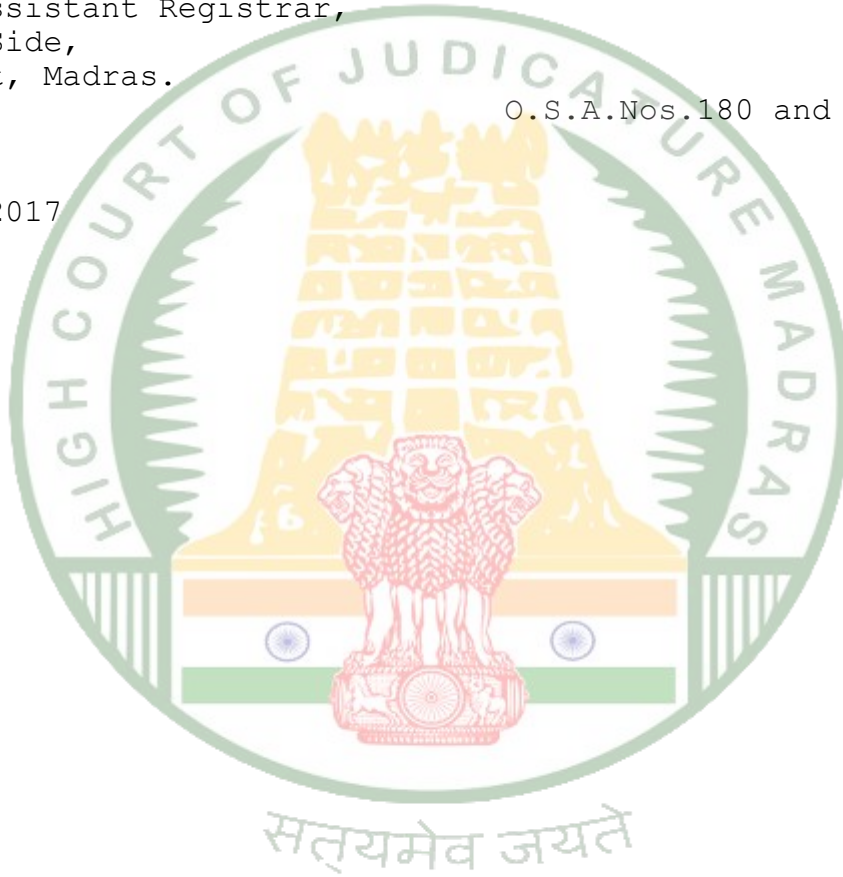
Sub Asst. Registrar

To

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

O.S.A.Nos.180 and 182 of 2017

KJI (CO)
NR 06/09/2017



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