

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2017

Coram

The Honourable **Mr.Justice RAJIV SHAKDHER**
andThe Honourable **Mr.Justice ABDUL QUDDHOSE****O.S.A.Nos.184 to 186 of 2017**
and C.M.P.Nos.12296 to 12299 of 2017

1. M/s.Magic Frames
Partnership Firm,
rep. by its Partner R.Sarath Kumar,
No.14, Jayammal Street,
Teynampet, Chennai-600 018.
 2. R.Sarath Kumar
Partner of M/s.Magic Frames,
No.14, Jayammal Street,
Teynampet, Chennai-600 018.
 3. R.Radhikaa Sarath Kumar
Partner of M/s.Magic Frames,
No.14, Jayammal Street,
Teynampet, Chennai-600 018.
 4. Listin Stephen,
Partner of M/s.Magic Frames,
No.14, Jayammal Street,
Teynampet, Chennai-600 018.
- ... Appellants in all appeals

Vs.

M/s.Radiance Media P. Ltd.
Rep. by its Authorised Signatory
N.Srinivasan,
Khivraj Complex-II, 6th Floor,
480, Anna Salai,
Nandanam, Chennai-600 035.

.. Respondent in all appeals

* * *

Prayer : Appeals filed under Clause 15 of the Letters Patent and Order 36, Rule 11 of the Original Side Rules of the Madras High Court, against the order and decree dated 17.07.2017 in Application

No.2906 of 2017, 2907 of 2017 and 2910 of 2017 in O.A.No.540 of 2017 in C.S.No.393 of 2017 respectively.

* * *

For Appellants : Mr.Ravi
for M/s.Rugan and Arya

For Respondent : Mr.V.T.Gopalan, Senior Counsel
for M/s.R.Bhagawat Krishna

COMMON JUDGMENT

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

1. Learned counsels for the parties argued the matter at great length.

2. The appellants were represented by Mr.Ravi and Mr.Murugan, while, the respondent is represented by Mr.V.T.Gopalan, Senior Advocate, assisted by, Mr.R.Bhagawat Krishna.

3. After much argument, learned counsel for the parties are agreed that the impugned judgement and order dated 17.07.2017, passed by the learned Single Judge could be modified, as indicated hereafter :

(i).The appellants will furnish an undertaking to this Court in the form of an affidavit stating therein that the two properties referred to in the schedule of properties, i.e., Item No.I and III, appended to the mortgage deed dated 21.01.2016, shall

not be transferred, alienated or encumbered during the pendency of C.S.No.393 of 2017 pending adjudication in this Court.

(ii).In so far as the properties, morefully described, in Schedule A and B appended to O.A.No.540 of 2017 in C.S.No.393 of 2017, belonging to appellant No.3, i.e., Ms.Radhika Sarath Kumar are concerned, they shall not be transferred, alienated or encumbered without the leave of the Court. Appellant No.3 shall approach the Court, with prior notice to the respondent/plaintiff, if, she needs to deal with the aforementioned properties in any manner whatsoever. An undertaking to that effect in the form of an affidavit will be furnished by appellant No.3, to this Court.

(iii).The injunction granted vide order dated 17.07.2017, qua the properties of appellant No.3 referred to in clause (ii) above, shall stand modified to the aforesaid extent.

3.1. In view of the agreed directions issued hereinabove, we are of the view that the cost in the sum of Rs.2,00,000/- (Rupees two lakhs only), imposed on the appellants, via the impugned judgement and order dated 17.07.2017, needs to be set aside. It is ordered accordingly.

3.2. Furthermore, in view of what is stated hereinabove, the stay granted on the issuance of summons in C.S.No.393 of 2017 shall, accordingly, stand vacated.

4. The appeal is disposed of in the aforesaid terms. Resultantly, pending applications shall stand closed. There shall, however, be no order as to costs.

(R.S.A., J.) (A.Q., J.)

10.08.2017

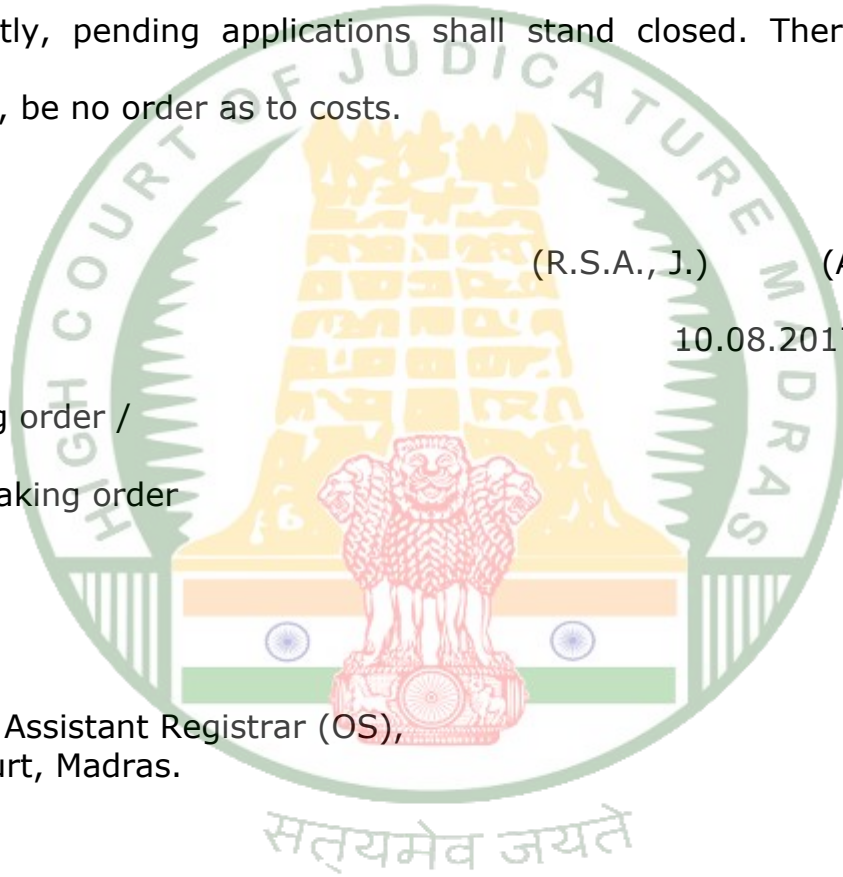
Speaking order /

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To

The Sub Assistant Registrar (OS),
High Court, Madras.



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RAJIV SHAKDHER, J.
and
ABDUL QUDDHOSE, J.

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O.S.A.No.184 to 187 of 2017

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