

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

and

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

O.S.A.No.211 of 2017

1. S.Jayanthi

2. S.Surender

3. S.Divya

.. Appellants/Plaintiff

Vs.

K.Pradeep Kumar

.. Respondent/Defendant

* * *

Prayer : Original Side Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the fair order and decretal order dated 23.06.2017 in A.No.2330 of 2017 in C.S.No.544 of 2010.

* * *

For Appellants : Mr.C.Umashankar,
for M/s.T.Pappaiah Dharmarajan

For Respondent : Mr.K.M.Valsala

JUDGMENT

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

1. With the consent of the learned counsels for the parties, the appeal is taken up for hearing and final disposal.

2. Learned counsel for the appellants says that his only apprehension is that the respondent may deal with the subject property, despite a direction contained in the impugned judgement and order that the original title deeds would be deposited with this Court.

3. Ms.K.M.Valsala, who appears for the respondent, undertakes on behalf of the respondent that no third party interest would be created in the subject property, pending disposal of the suit.

4. Having regard to the statement made by the learned counsel for the respondent, we are of the view that the undertaking given to the Court on behalf of the respondent will protect the interest of the appellants against any

apprehension that they may entertain, with regard to the respondent creating third party interest in the subject property.

3.1. Accordingly, the respondent, in consonance with the statement made by his counsel, in Court, today, is directed to file an affidavit stating therein that he will not create any third party interest in the subject property, pending disposal of the suit. This affidavit will be filed in the suit pending before the learned Single Judge, within a period of two (2) weeks from today.

4. For the foregoing reasons, in our opinion is, no interference is called for with the impugned judgement and order.

5. Accordingly, the appeal is disposed of in the aforementioned terms. There shall, however, be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.T.Pappiah Dharmarajan, Advocate sr.64436

+1cc to Mr.K.S.Kumar, Advocate sr.64452

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nm(co)
ss(21/9/2017)