

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)
WEDNESDAY, THE 04TH DAY OF OCTOBER 2017
THE HON'BLE MR. JUSTICE R.SUBRAMANIAN
A.No.6009 and 6010 of 2017
in
C.S.No.29 of 2012

C.S.NO.29 OF 2012:

Dr.C.S.NANDA KUMAR
No.51, Bazaar Street, Villivakkam,
Chennai-600 049. ...Plaintiff

-Vs-

1.C.S.DEVA KUMAR,

2.C.S.SETHU,

Both Residing at No.21, 5th Street,
Redhills Road, Villivakkam, Chennai-600 049.

3.C.S.BALA KUMAR
Jains Ananthantha Apartments,
38, F.A.Baliamman Koil St,
Villivakkam,
Chennai-600 049.

4.SAMPATH (Bureau Shop)

5.BABU (Saloon Shop)

6.AUGUSTIN (Steel Frame Shop)

7.MURUGAN (Budding Shop)

All are having business at 2/21, 5th Street,
Redhills Road, Villivakkam,
Chennai-49. ...Defendants.

A.NO.6009 AND 6010 OF 2017:

Dr.C.S.NANDA KUMAR
No.51, Bazaar Street, Villivakkam,
Chennai-600 049. ...Petitioner/Applicant
(Both Application)

-Vs-

1.C.S.DEVA KUMAR,

2.C.S.SETHU,

Both Residing at No.21, 5th Street,
Redhills Road, Villivakkam, Chennai-600 049.

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7.MURUGAN (Budding Shop)

All are having business at 2/21, 5th Street,
Redhills Road, Villivakkam,
Chennai-49.

...Respondents/Defendants
(Both Application)

A.NO.6009 OF 2017:

Application praying that this Hon'ble Court be pleased to consider passing of orders for rendition of accounts by the Defendant 1 & 2 for the Schedue Property as per the Judgment O.A.No.593 of 1993 in C.S.912 on the file of this Hon'ble Court as passed in the preliminary Decree on 05.12.2013 in respect of rental amount received from the tenants from the dated of demise of the testatrix i.e.30.12.1986.

A.NO.6010 OF 2017:

Application praying that this Hon'ble Court be pleased to consider the prayer as prayed for in the plaint which was ordered by the Hon'ble Court in the Preliminary Decree passed on 05.12.2013 in respect of Rs.3,00,000/- (Three Lakh Only) towards mense profit to Petitioner/plaintiff and cost.

This Application coming on this day before this court for hearing the court made the following order:

These applications have been filed for the following prayers:

A.No.6009 of 2017 : For rendition of accounts by the defendants 1 and 2 for the schedule property as per the judgment in O.A.No.593 of 1993 in C.S.No.912 of 1993 on the file of this Court as passed in the preliminary decree on 05.12.2013 in respect of rental amount received from the tenants from the date of demise of the testatrix, 30.12.1986.

A.No.6010 of 2017 : For rendition of accounts by the defendants 1 and 2 for the schedule property as per the judgment in O.A.No.593 of 1993 in C.S.No.912 of 1993 (VII Additional City Civil Court, Madras) right from the testatrix Mrs.Jagadambal demise on 30.11.1986 and for mesne profit of Rs.3,00,000/- (Rupees Three lakhs only) to be paid to the plaintiff and for costs.

2. In the suit the preliminary decree has been passed holding that the plaintiff would be entitled to mesne profits. Therefore, it is for the plaintiff to take steps for determination of mesne profits under Order XX Rule 12 of the Code of Civil Procedure.

3. Hence, both these applications are dismissed as not maintainable, leaving it open to the plaintiff to file an appropriate application for determination of mesne profit.

Sd/-R.S.M.J

04.10.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/23.10.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.