

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.S.No.169 of 2012

1. M.V.Sankar Sastry
2. Mrs.Ranjani Subramaniam
represented by their Power of Attorney
Mr.M.V.Lakshminarayanan .. Plaintiffs

Vs.

1. Mr.P.T.Ramkumar
2. Mr.Bavanarayanan
3. Mrs. Vijayalakshmi Ravindran
4. Ms.New India Maritime Agencies,
Rep.by its Manager Mr.Agarwal,
5. Mr.Arjun Kripalani
6. Mrs.Varalakshmi Bashyam
7. Mrs.Jothi Dolly
8. Mrs M.K.C Kohli
9. M/s Graha Pravesh Estates,
Rep.by its Managing Director Ramana Shetty, .. Defendants

Prayer : Civil Suit has been filed under Order IV Rule 1 of O.S.Rules read with Order VII Rule 1 of the C.P.C praying for judgment and decree as follows:-

a) Mandatory injunction against the defendants 1 to 8 to remove the various violations in the schedule mentioned properties particularly as follows:-

i) direct the first defendant to Mr.P.T.Ramkumar, to restore the fenced off rear set back space in the ground floor as common area.

ii) direct the second defendant to pay the taxes and charges due to the Metro Water and Chennai Corporation authorities in order to avoid the sealing of the Water and sewerage connections that will affect the entire building.

iii) direct the fourth defendant to remove the unauthorisedly constructed room in the second floor over the balcony of Flat No 1C and the occupation of the rear open area on the western side belonging to the first plaintiff by increasing the height of the Compound wall causing obstruction to the use of the B Schedule Land and stop the sewage water by the improper construction of Toilet in the second Floor and also by the improper alteration of the Toilet sizes.

iv) direct the fifth defendant to remove the wall erected in the second floor enclosing the entire Verandah area

(b) Permanent injunction against the defendants 1 to 9 restraining them from in any manner interfering in the peaceful possession and enjoyment of all that piece and parcel of land on the western side of the A Schedule property marked as B schedule property

c) Mandatory injunction to remove the wall constructed obstructing the use of the B schedule property by the plaintiffs and

d) grant a decree for costs and such reliefs in favour of the plaintiffs.

For the plaintiffs : Mr.P.Srinivas

JUDGMENT

Defendants were already set ex-parte.

2. Thereafter, the matter was referred to the learned Additional Master- II, for recording ex-parte evidence, on the side of the plaintiffs. After recording of ex-parte evidence, the matter was again listed before the Court for further proceedings.

3. In support of the plaintiffs' case, PW-1 has been examined and Exs.P1 to P25 have been marked. The evidence of PW-1 and documents marked as Ex.P1 to P25, remain unchallenged.

4. Considering the evidence of PW-1 and the documents marked as Ex.P1 to P25, it is found that the plaintiffs have established their claim.

5. Resultantly, the Civil Suit is decreed as prayed for with costs.

20.04.2017

Speaking order/Non Speaking order
Index : Yes/No
Internet : Yes/No
adl

T.RAVINDRAN, J.

adl

C.S.No.169 of 2012

20.04.2017

<http://www.judis.nic.in>