

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

O.S.A. Nos.259, 260 and 262 of 2012

M/s.Doshi Constructions

Rep. by its Partner, Mr.Harshad V.Doshi.

... Appellant in all OSAs

-Vs-

1. M/s.MEC International Pvt. Ltd.
Chennai 600 026.

2. Elroi Management Consultant
Chennai 600 026.

3. Dhanam Enterprises,
Chennai 600 026.

4. Unifrieght India Pvt. Ltd.,
Chennai 600 026.

5. Abhirami Enterprises
Chennai 600 026.

6. Joyco India Pvt.Ltd.
Chennai 600 026.

7. Piyesta Furniture Pvt. Ltd.
Chennai 600 026.

8. Damro Exports Pvt. Ltd.
Chennai 600 026.

9. Frito Lay India Ltd.
Chennai 600 026.

10.BEL Ceramics Ltd.
Chennai 600 026.

11.Crompton Greaves (Consumer
Care Centre), Chennai 600 026.

12.I.F.B.Industries Ltd.
Chennai 600 026.

13.Godrej Industries Ltd.
Chennai 600 026.

14.CIBA Industries Ltd.
Chennai 600 026.

15.Hawkins Cooker Ltd.
Chennai 600 026.

16.Video Jet Technology India
Pvt. Ltd.
Chennai 600 026.

17.Maratha Electric India Pvt. Ltd.
Chennai 600 026.

18.Boxter India Pvt. Ltd.
Chennai 600 026.

19.S.R.Laboratories
Chennai 600 026.

20.Paraj Trust
Chennai 600 026.

21.Kanad Ceramic Tiles
Chennai 600 026.

22.Electrolux Kelvinator Ltd.
Chennai 600 026.

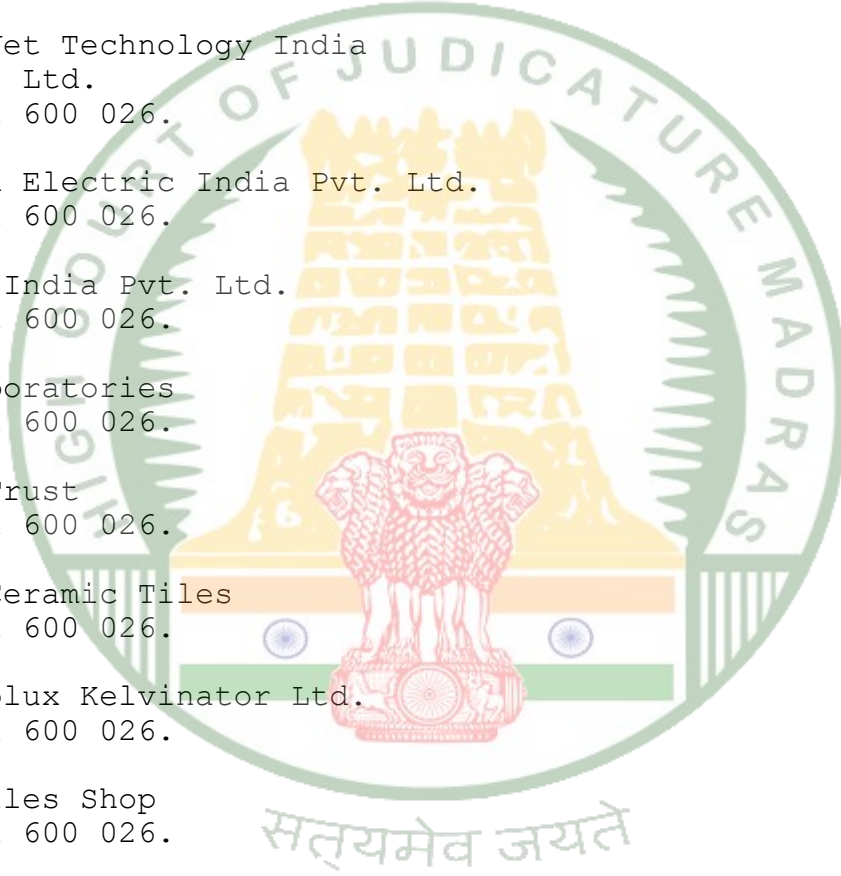
23.Euro Tiles Shop
Chennai 600 026.

24.Safari Ceramics
Chennai 600 026.

25.A.T.E. Enterprises
Chennai 600 026.

26.Vaigai Sanitation Pvt. Ltd.
Chennai 600 026.

27.S.R.P. Enterprises
Chennai 600 026.



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28.Acqua Line
Chennai 600 026.

29.Ajitha Sil Chem Pvt Ltd.
Chennai 600 026.

30.Gepton Car Care
Chennai 600 026.

31.Vijay Dresses
Chennai 600 026.

32.M/s.Bangalore Iyengar Backery
Chennai 600 026.

33.M/s.Balaji Backery
Chennai 600 026.

34.M/s.S.M.S. Bucary Wakf Al Aulad
Estate, Rep. By its Muthavali,
S.M.S.Kalavath Syed Abdul Khader.

... Respondents in all OSAs.

Appeals filed under Order 36 Rule 1 of O.S. Rules read with Clause 15 of Letters Patent against the common order dated 31.01.2012 passed in O.A.Nos.685 and 686 of 2010 and A.No.3059 of 2010 in C.S.No.574 of 2010 on the file of original side of this Court.

O.A.Nos.685 and 686 of 2010 and A.No.3059 of 2010

Original Application praying that this Court be pleased to pass an order of ad-interim injunction restraining the Respondents 1 to 33/Defendants 1 to 33, their men, agents, staff, subordinates or anybody claiming through or on behalf of them from in any way dealing with the suit schedule A property either by way of construction or inducting any sub-tenants or past with possession of the suit property.(In O.A. No.685 of 2010)

Original Application praying that this Court be pleased to pass an order of ad-interim injunction restraining the 1st Respondent, his men, agent, staff from in any way interfering/dealing with the peaceful possession and enjoyment of the 'B' Schedule property.(In O.A.No.686 of 2010)

Application praying that this Court be pleased to direct the Respondents 1 to 33/Defendants 1 to 33 to deposit the rents into the credit of the above suit till disposal of suit(In A.No.3059 of 2010) respectively.

For Appellant : Mr.Satish Parasaran, Senior Counsel
for Mr.R.Parthasarathy

For Respondents : Mr.P.S.Raman, Senior Counsel
for M/s.K.V.Bhashyam Chari for R-1
: For RR 2 to 34 given up in all OSAs

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

It is agreed that the appeals be disposed of in the following terms:

- i. Any fresh tenants inducted by the first respondent would be only with advance intimation to the appellant and the lease deed be filed before the learned Single Judge;
- ii. The rights of the first respondent of lease are only till 31.12.2018 and thus, any sub-lease granted would have to be, at best, coterminus with the said date and not beyond that date;
- iii. The learned Single Judge to look into the issue of expedition of trial considering the limited scope of the controversy.

Original Side Appeals, accordingly, stand disposed of in the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

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

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.4002
+1cc to Mr.K.V.Bhashyam Chari, Advocate, S.R.No.3571

O.S.A.Nos.259, 260 and
262 of 2012

NM(CO)
CA(31/01/2017)