

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM :

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

O.S.A.Nos.450 and 451 of 2012  
and  
M.P.Nos.1 and 2 of 2013

1.A.Anthony Irudhayaraj

2.Mary Stella .... Appellants in both OSAs

-Vs-

1.A.M.Pushpa Joe

2.Merlin Anita John

3.A.Joseph Andrews .... Respondents in both OSAs

Appeals filed under Order XXXVI Rule 9 of O.S. Rules read with Clause 15 of the Letters Patent against the order dated 05.03.2012 passed in O.A.Nos.896 and 897 of 2011 in C.S.No.733 of 2011 on the file of original side of this Court.

O.A.No.896 of 2011 in C.S.No.733 of 2011 : Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the Defendants herein, their men, agents, servants or anyone claiming under them from in any manner evicting the Petitioner from the residential building, more fully described in Schedule 'A', 'B' and 'C' hereunder, pending disposal of the above suit.

O.A.No.897 of 2011 in C.S.No.733 of 2011 : Original Application praying that this Hon'ble Court be pleased to grant an order of interim mandatory injunction directing the Defendants herein to forthwith restore amenities such as water and electricity power supply and cable connection to the portion of the suit property described in the Schedule 'A', 'B' and 'C' hereunder, which is in occupation of the 1st Plaintiff, pending disposal of the above suit.

For Appellants : Mr.S.Vasudevan  
For Respondents : Mr.AR.L.Sundaresan, Senior Counsel  
for M/s.AL.Gandhimathi  
for RR 1 and 2  
: No appearance for R-3

COMMON JUDGMENT

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

The appeals are directed against the impugned order dated 05.03.2012 permitting the respondents to obtain electricity and water connection. The suit is for partition. The only stand of the appellants is that the respondents are not living in the premises.

2.Be that as it may, no fault can be found with the impugned order on this account. Not only that, it appears that the impugned order has not even been enforced over the last four years even though there is no interim order staying the operation of impugned order.

3.Original Side Appeals, thus, stand dismissed. No costs. Consequently, M.P.Nos.1 and 2 of 2013 also stand dismissed.

3.Learned counsel for the parties state that an endeavour would be made to resolve the dispute mutually between the parties with the counsels sitting together to resolve the same and if no resolution is possible and if assistance of a Mediator is required, then it may be referred to the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus.

4.In view thereof, the suit being C.S.No.733 of 2011, be listed before the learned Single Judge on 06.02.2017 to report back on the issue of settlement, failing which the suit must proceed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

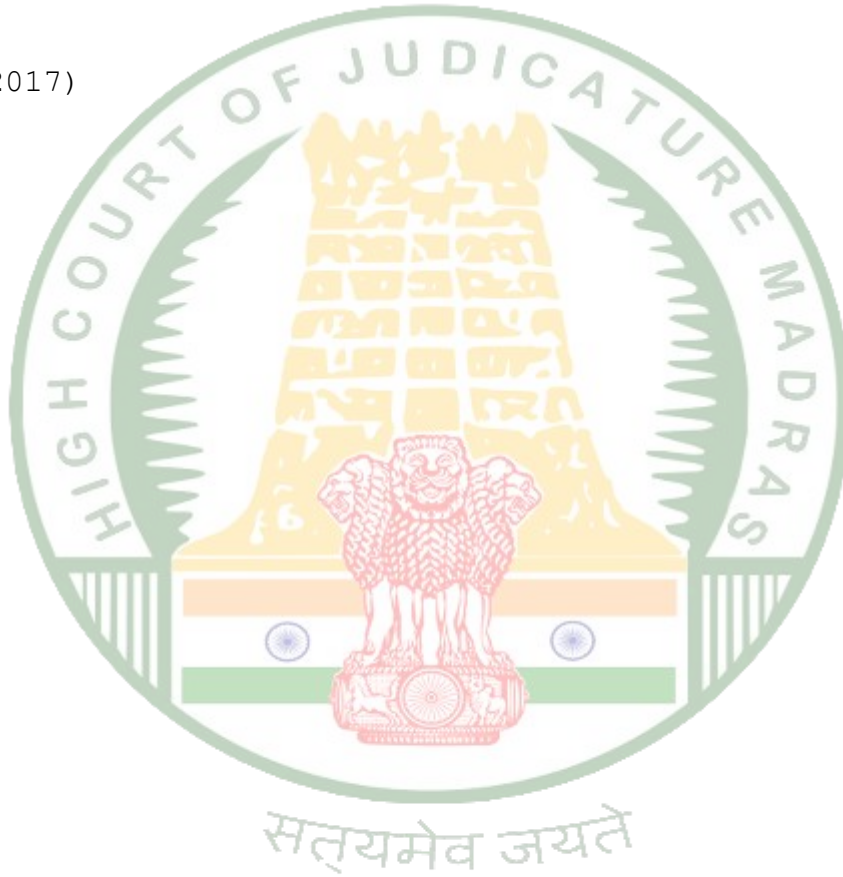
To

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

+lcc to Mr.K.V.Babu, Advocate, S.R.No.921

O.S.A.Nos.450 and 451 of 2012

NRJK (CO)  
CA(19/01/2017)



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