

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 14.09.2018  
CORAM :  
THE HONOURABLE DR. JUSTICE ANITA SUMANTH

C.S. No.20 of 1999

Crescendo Flat Owners Association  
Rep by its Secretary Mr.Basheer. ...Plaintiff

Vs.

1. M/s.Srishti Estates and Investments Private Limited.
2. V. SP. Shakthivel Raja
3. S.Kavitha
4. Tamiraparani Investments Private Limited.
5. R.Hariharan
6. K.Balasubramanian
7. Chennai Metropolitan Development Authority.
8. Sub Registrar, Mylapore (Given up) ... Defendants

PRAYER:- Plaint filed under Order VII Rule 1 of Civil Procedure Code and under Order IV Rule 1 of the High Court Original Side Rules to pass a Judgment and decree against the defendants.

- a. 1,2,4,5 and 6 to deliver possession of the store room are of 700 Sq.f the 'B' Schedule mentioned property which is situated below the A1 flat, in the suit land bearing Door No.24, Sir, Desikachari Road, Mylapore, Chennai -4 to the plaintiffs.
- b. Permanent Injunction restraining the defendants 1 to 6 from preventing the plaintiff from entering, using, possession occupying and enjoying their rights over the store room area of 700 sq.ft. The 'B' suit Schedule Mentioned property which is situated below the A1 flat in the suit land bearing Door No.24, Sir Deskachari Road, Mylapore, Chennai -4.
- c. Permanent Injunction restraining the defendants 1 to 6 from preventing the plaintiffs from entering, using possessing and enjoying their rights over the common front set back area of sq.ft the 'C' suit schedule mentioned property which is situate between the compound and the superstructure of the flats in the suit land bearing Door No.24, Sir Deskachari Road, Mylapore, Chennai -4.
- d. Permanent Injunction restraining the defendants 1 to 6 from preventing the plaintiffs from entering, using possessing and enjoying their rights over the middle gate the 'D' suit schedule mentioned property which is situate between the eastern corner gate and western corner gate of the suit land bearing Door No.24, Sir Desikachari Road, Mylapore, Chennai -4.
- e. Permanent Injunction restraining the defendants 1 to 6 from preventing the plaintiff association from entering, using, possessing and enjoying their rights over the open terrace lawn area measuring 1,120 sq.ft the 'E' suit Schedule mentioned property situated in the last 1st floor of the suit land bearing Door No.24, Sir Desikachari Road, Mylapore, Chennai -4.
- f. Permanent Injunction restraining the defendants 1 to 6 from preventing the plaintiff association from entering, using, possessing and enjoying their rights over the common toilets the 'F' schedule mentioned property which is situated in the open terrace in the suit land bearing Door No.24, Sir Desikachari Road, Mylaopre, Chennai -4.
- g. Permanent injunction restraining the defendants 1 to 6 from subjecting any flat owned by them for commercial activity or any other activity/purpose other than residential purpose in the 'A' suit schedule mentioned property the suit land bearing Door No.24, Sir Desikachari Road, Mylapore,

Chennai -4.

h. For permanent injunction restraining the defendant 1,2,4,5 and 6 from alienating or in any manner encumbering an alleged multi-level Office space, entrance in the ground floor, the 'D' schedule mentioned property, store room area/servants quarters, the 'B' suit schedule mentioned property, toilets in terrace 'F' suit schedule mentioned property and the alleged exclusive car parks in the suit land bearing Door No.24, Desikachari Road, Mylapore, Chennai -4.

i. Mandatory injunction directing the 7th defendant to demolish the unauthorised structures put up in the front set back area the 'C' suit schedule mentioned property as well as the unauthorised construction of the 'D' flat in the ground floor the 'G' suit schedule mentioned property constructed in violation the sanctioned plan of the 7th defendant vide permit No.B/16511/178/A/B/93 dated 18.05.1993 in the suit land bearing Door No.24, Sir Desikachari Road, Mylapore, Chennai -4.

j. Mandatory injunction directing the 3rd defendant to remove the unauthorised passage the I suit schedule mentioned property from 'A2' flat in the 1st floor to the open terrace lawn area in the suit land bearing Door No.24, Sir Desikacahari Road, Mylapore, Chennai - 4.

k. Permanent injunction restraining the 8th defendant from registering any document executed by the defendants 1 to 6 pertaining to the common areas situate in Door No.24, Sir Desikachari Road, Mylapore, Chennai -4, such as an alleged multi level Office place, exclusive entrance in the ground floor, the 'D' suit schedule mentioned property office space of 700 sq.ft of basement space store/servants quarters 'B' suit schedule mentioned property exclusive servants toilet at terrace, 'F' suit schedule mentioned property and the alleged exclusive covered car park and semi - commercial car park.

l. For the cost of the suits.

For Plaintiff : No Appearance

For Defendants : No Appearance

#### JUDGMENT

The matter was listed for hearing on 03.09.2018, when the Registry was directed to delete the name of the counsel for the plaintiff and print the name of the plaintiff. Accordingly the name of the plaintiff has been printed today. However, there is no appearance for or on behalf of the

plaintiff when the matter is called. Defendants have been set exparte on 03.09.2018.

2. In the light of the aforesaid, the suit is dismissed for non- prosecution. No costs.

14.09.2018

rkp

Speaking order/Non speaking order

Index: Yes/No

Internet: Yes/No

DR.ANITA SUMANTH, J.

rkp

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