

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

C.M.A. Nos.3472 to 3477 of 2017 &
C.M.P.Nos.22109 to 22114 of 2017

S.Davamani ... Appellant in all CMAs

v.

- 1.Gulabidevi
- 2.Anithadevi
- 3.Lalitha Devi
- 4.Gothamchand ... Respondents 1 to 4 in all CMAs
5. The Joint II Sub Registrar
The Sub Registrar Office
Rangampalyam
Erode - 9 ... 5th Respondent in CMA No.3473/2017
- 6.The Assistant Engineer
Tamil Nadu Electricity Generation
and Distribution Company
TANGEDCO, Erode
9, E.V.N. Road
Erode - 9 ... 5th Respondent in CMA No.3474/2017
- 7.The Joint Director
Town and Panchayat Department
No.6, Sannathi Street
Suramangalam
Salem - 6 .. 5th Respondent in CMA No.3475/2017
- 8.The Tahsildar
Erode Taluk
Erode .. 5th Respondent in in CMA No.3476/2017
- 9.The Commissioner
Erode Corporation
Erode .. 5th Respondent in in CMA No.3477/2017

Civil Miscellaneous Appeals filed under Order 43 Rule 1 of CPC against the fair and final orders dated 24,08.2017 made in I.A.Nos.589, 590, 591, 592 , 593 and 594 of 2016 in O.S.No. 234 of 2016 on the file of II Additional Sub Court, Erode.

For Appellant : Mr. M.Guruprasad
in all CMAs

For Respondents : Mr. I.C. Vasudevan - for R1 to R4
in all CMAs

COMMON JUDGMENT

Heard Mr.M.Guruprasad, learned counsel appearing for the appellant and Mr.I.C.Vasudevan, learned counsel appearing for the respondents 1 to 4.

2. Since the above Civil Miscellaneous Appeals arise against the orders passed in six Interlocutory Applications filed in O.S.No.234 of 2016 on the file of II Additional Sub Court, Erode, the appeals are disposed of by this common judgment.

3. Challenging the fair and final orders passed in I.A.Nos.589, 590, 591, 592 , 593 and 594 of 2016 in O.S.No. 234 of 2016, the plaintiff has filed the above Civil Miscellaneous Appeals

4. The plaintiff filed the suit in O.S.No. 234 of 2016 for declaration and permanent injunction. The defendants 11 to 14 and the 31st defendant have filed their written statement and are contesting the suit.

5. The plaintiff has filed the above referred applications seeking for interim injunction as against the defendants 11 to 14, for the following reliefs:-

(i) I.A.No.589 of 2016 was filed by the plaintiff seeking for interim injunction restraining the defendants 11 to 14 from putting up any further construction in the suit property till the disposal of the suit ;

(ii) I.A.No.590 of 2016 was filed by the plaintiff seeking for interim injunction restraining the 27th defendant from registering any document that may be presented by the defendants 11 to 14 in respect of the suit property;

(iii) I.A.No.591 of 2016 was filed by the plaintiff seeking for interim injunction restraining the 28th defendant from sanctioning electricity service connection to the building in the suit property on the application of the defendants 11 to 14 till the disposal of the suit property;

(iv) I.A.No.592 of 2016 was filed by the plaintiff seeking for interim injunction restraining the 29th defendant from giving approval or in approving any plan that may be submitted by the defendants 11 to 14 till the disposal of the suit property;

(v) I.A.No.593 of 2016 was filed by the plaintiff seeking for interim injunction restraining the 30th defendant from changing the revenue records in respect of the suit property till the disposal of the suit property; and

(vi) I.A.No.594 of 2016 was filed by the plaintiff seeking for interim injunction restraining the 31st defendant from receiving or collecting any tax or other dues in respect of the suit property till the disposal of the suit property .

6. After contest, the trial Court dismissed all the applications.

7. Aggrieved over the orders passed in the applications in I.A.Nos.589, 590, 591, 592 , 593 and 594 of 2016, the plaintiff has filed the above Civil Miscellaneous Appeals.

8. When the above Civil Miscellaneous Appeals are taken up for hearing, Mr. M.Guruprasad, learned counsel appearing for the appellant submitted that on going into the merits of the appeals and the correctness of the orders passed by the trial Court, it would be suffice to restrain the respondents 1 to 4/defendants 11 to 14 from alienating or creating any third party interest in respect of the suit property, till the disposal of the suit. The learned counsel also submitted that the fair and decreetal orders passed by the trial Court in I.A.Nos. 589 to 594 of 2016 may be confirmed.

9. Mr.I.C. Vasudevan, learned counsel appearing for the respondents 1 to 4, on instructions, submitted that the

respondents 1 to 4 have no intention to alienate or create any third party interest in the suit property, till the disposal of the suit.

10. The learned counsel appearing for the appellant further submitted that the contesting respondents have filed their written statement and the trial Court has also framed issues and also posted the suit for trial.

11. Further, the learned counsel on either side submitted that the trial Court may be directed to dispose of the suit within a time frame.

12. The submission made by the learned counsel appearing for the respondents 1 to 4 that the respondents 1 to 4 will not alienate or create any third party interest in the suit property till the disposal of the suit is recorded.

13. In view of the submissions made by the learned counsel on either side, I do not find any reason to interfere with the orders passed by the trial Court in I.A.Nos. 589 to 594 of 2016. The above Civil Miscellaneous Appeals are liable to be dismissed. Accordingly, the Civil Miscellaneous Appeals is dismissed. The II Additional Sub Court, Erode is directed to dispose of the suit in O.S.No. 234 of 2016 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rj

To

- 1.The II Additional Sub Court, Erode.
- 2.The Joint -IISub Registrar, Rangampalyam, Erode.
- 3.The Assistant Engineer,
Tamil Nadu Electricity Generation and Distribution Company,
TANGEDCO, Erode.
- 4.The Joint Director,
Town Panchayat Department,
No.6, Sannathi Street, Suramangalam, Salem.

5.The Tahsildar, Erode Corporation, Erode.

6.The Commissioner, Erode Corporation, Erode.

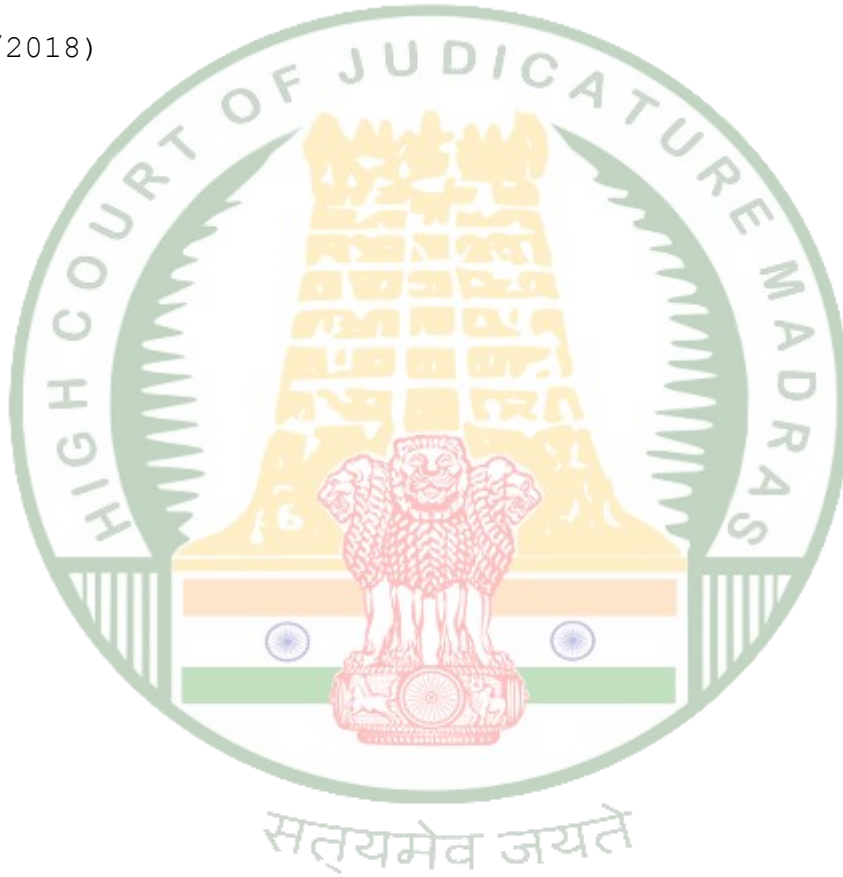
+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.9483

+1cc to Mr. M.Guruprasad, Advocate sr.no.9480(15/03/2018)

C.M.A. Nos.3472 to 3477 of 2017 &
C.M.P.Nos.22109 to 22114 of 2017

NMI (CO)

RRK (28/02/2018)



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