

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

O.S.A.No.253 of 2018

Michael Arul ..Appellant/Defendant-1
Vs
1.David Arul ..1st Respondent/Plaintiff
2.M/s.Temple Financial Consultants Private
Limited rep. by its
Managing Director Ashok Arthur Jaipal
3.Advent Computer Services Ltd.,
rep. by its Managing Director
Michael Arul
4.Tecways India Private Limited
rep. by its Chief Executive Officer
Suzanne Geri ..Respondents 2to4/Defendants 2to4
5.G.Thyagarajan ..5th Respondents/Proposed
5th Respondent

Appeal preferred under Order XXXVI Rule 9 of O.S. Rules r/w
Clause 15 of Letters Patent against the judgment and decree
dated 20.10.2017 passed in O.A.No.712 of 2017 in C.S.No.583 of
2011. This Original Application filed and prayed to amend the
suit prayer to include a further prayer to grant permanent
injunction restraining the 5th respondent/Proposed 5th Defendant
his agents, Servants, representatives, in any manner dealing
with the suit property on affecting the plaintiff right to own
and possess the suit property absolutely free of all
encumbrances.

For Appellant ... Mr.S.Udayakumar

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal is directed against the judgment and decree
dated 20.10.2017 passed in O.A. No.712 of 2017 in C.S.No.583 of
2011.

2. When the matter is taken up for hearing, learned counsel appearing for the petitioner submits that in the connected appeal in O.S.A.No.142 of 2010, this Court has passed the following order on 03.07.2018:

"After making submissions, learned counsel appearing for the appellant would submit that inasmuch as the trial has already commenced, the appeal may be disposed of with the observation that the findings rendered by the learned single Judge are meant for the disposal of the interlocutory application alone and this will not have any bearing on the main suit.

3. Considering the submissions made by the learned counsel appearing for the appellant, the Original Side Appeal stands disposed of with an observation that the findings rendered by the learned single Judge do not have any bearing on the final adjudication of the suit. Taking into consideration the fact that the parties are before the learned Additional Master - II and the suit is of the year 2011, a direction is issued to the learned Additional Master - II to conclude the trial within a period of eight weeks from today. We also make it clear that all the issues are left open to be decided in the suit. No costs. Consequently, connected miscellaneous petition is closed."

3. In view of the order dated 03.07.2018 passed in O.S.A.No.142 of 2018, no further order is required in this Original Side Appeal and the same stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

mmi

To

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

+ 1 cc to MR. S. Udayakumar, Advocate Sr.51771

O.S.A.No.253 of 2018

RSI (CO)
EU (27/08/2018)