

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MR. JUSTICE S. BASKARAN

O.S.A. No. 41 of 2018

&

C.M.P. Nos. 2492 & 2493 of 2018

Mr.R.S. Vasudevan ...Appellant/Plaintiff

Vs.

1. Mr.S. Sridhar
2. Mrs. Nalini Ramesh
3. Mrs. Renuka
4. Mrs. Leela Gopal ...Respondents/Defendant

Prayer: Original Side Appeal to set aside the order and decretal order dated 30.11.2017 in O.A. No. 887 of 2016 in C.S. No. 732 of 2016.

For Appellant :: Mr.C. Umashankar

For Respondents:: Mr.Parthasarathy,
Senior Counsel for
Mr.P. Dinesh Kumar for
R1 to R4

J U D G M E N T

The plaintiff, who is the appellant herein, aggrieved over the dismissal of the injunction application filed by him in the suit preferred by him for a decree of permanent injunction, restraining the respondents/defendants from, in any way, interfering with his peaceful possession and enjoyment of of B Schedule property, either by blocking or preventing the appellant/plaintiff from using the passage, which leads to the appellant's house from Ramasamy Street, Gopalapuram, Chennai - 600 086 either by placing debris or putting up any construction on the common passage or keeping construction materials in any manner whatsoever and for mandatory injunction directing the respondents to remove the unauthorised/illegal construction,

over and above enclosing the common passage on the eastern side of the appellant's/plaintiff's property, which is described in the B-Schedule, has filed the above appeal.

2. When the matter was called yesterday, all the parties were present and they consented for a settlement and filed a joint memo to that effect. Since the measurement of open space belonging to the respondents permitted to be used by the appellant was not given, the parties were directed to give measurement of the open space along with a sketch.

3. When the matter is called today, a memo of compromise signed by both parties and counter signed by the respective counsel dated 01.11.2018 along with the sketch has been filed. A perusal of the sketch would show that the open space is 10 feet wide and 70 feet long on the eastern side of the portion of plaintiff's property. It is made clear that the appellant has admitted the title of the respondents with regard to the open space and he and his family members are permitted to use the open space only for having ingress and egress, as per the joint memo, to reach the A schedule property at Old Door No.5, then No.6, now No. 6B, Ramasamy Iyer Street (Alias) Sadasiva Iyer II Street, Gopalapuram, Chennai-86.

4. In view of the statements made by the parties in open court and the joint memo of compromise filed by the parties, the above appeal as well as the suit in C.S. No. 732 of 2016 stands disposed of in terms of the memo of compromise dated 01.11.2018 along with the sketch annexed. The memo of compromise shall form part of the decree. No costs. Connected C.M.Ps are closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Sub Assistant Registrar
Original Side, High Court, Madras 104.

+1 CC to Mr.M.Selvam, Advocate sr 75837.

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KJI (CO)
SP(06/12/2018)