

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

CORAM

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

C.S.No.489 of 2018
and A.No.6408 of 2018

M/s.Ananyakrishnaa Constructions Pvt.Ltd.,
Rep.by its Managing Director,
Mr.Y.Gangadhar,
No.1225/1, Pannerselvam Salai,
K.K.Nagar, Chennai – 600 078. ... Plaintiff

Vs

Mrs.P.Sasikala ... Defendant

Plaint filed under Order VI Rule 1 of O.S. Rules read with
Order VII Rule 1 of the CPC, praying for judgment and decree as
follows:

- i) for a Permanent Injunction restraining the defendant her men,
agents, servants, etc., from in any manner interfering with
peaceful possession and enjoyment of the suit property by the
plaintiff which is more fully described in the schedule to the
plaint except due process of law; and
- ii) for cost of the suit;

For Plaintiff : Mr.T.Thiageswaran

For Defendant : Mr.Govind Chandrasekar

J U D G M E N T

The plaintiff has come forward with the suit seeking Permanent Injunction restraining the defendant, her men, agents, servants, etc., from in any manner interfering with peaceful possession and enjoyment of the suit property by the plaintiff which is more fully described in the schedule to the plaint except due process of law.

2. It is contended by the learned counsel for the defendant that the defendant has already filed RCOP.No.1318/2018 against the plaintiff seeking eviction on the ground of own use and occupation and willful default. It is the further contention of the learned counsel for the defendant that the suit has been laid based on a forged rental agreement. However, it is submitted that the plaintiff would not be evicted without following the due process of law.

3. In the case on hand, there is no dispute with regard to relationship of the parties as landlord and tenant. Admittedly, the plaintiff is a tenant under the defendant. In view of the fact, the defendant has already approached the authorities by filing eviction petition and also undertook that the plaintiff/tenant will not be evicted

except without following due process of law, nothing survives for further adjudication in the present suit. Recording the submission of the learned counsel for the defendant, the suit is dismissed. The respondent is at liberty to prove her case before concerned Court. No costs. Consequently, A.No.6408 of 2018 is closed.

20.11.2018

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

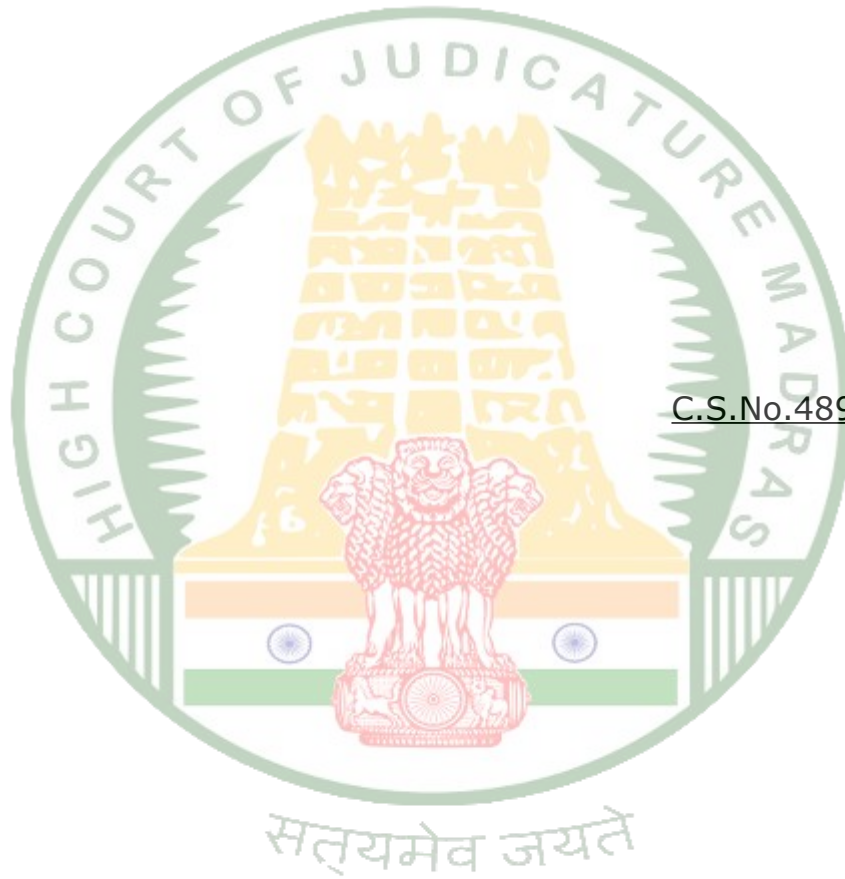
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K.KALYANASUNDARAM, J.,

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