

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 30.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (PD) Nos. 3729, 3730 & 3732 of 2018andC.M.P. Nos. 20798, 20801 & 20805 of 2018

1. E.Malarvizhi

2. Elumalai

...Petitioners in all CRPs

Vs

1. Mustack

Proprietor,
M/s.Noor Automobiles,
18, First Floor, J.N.Road,
Arumbakkam, Chennai - 600106.

2. Farana Kowsar,

Proprietor,
M/s.Mustack & Co.
18, First Floor, J.N.Road,
Arumbakkam, Chennai - 600106.

...Respondents in CRP(PD)3729/2018

Md.Moinuddeen,

Proprietor,

M/s.Moin Auto Agencies,
18, Ground Floor, Shop No.1 & 2,
J.N.Road, Arumbakkam,
Chennai - 600106.

...Respondent in CRP(PD)3730/2018

A.M.S.Mohamed Alim,

Proprietor,

M/s.Popular Hardwares and Electricals,
M/s.Popular Traders,
18, Ground Floor, Shop No.3 & 4,
J.N.Road, Arumbakkam,
Chennai - 600106.

...Respondent in CRP(PD)3732/2018

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the order and decree dated 19.06.2018 made in I.A.Nos.6181, 6182 & 6183 of 2016 in O.S.Nos.2859, 2860 & 2861 of 2014 respectively on the file of the VII Assistant City Civil Court, Chennai.

For Petitioners : Mr.V.G.Suresh Kumar
in all CRPs

For Respondents/ : Mr.T.Sirish Chowdhary &
Caveators Mr.T.Harish chowdhary
for M/s.T.N.Naidu and Co.,
in all CRPs

COMMON ORDER

By consent of both the learned counsel for the petitioners and Caveators, the Civil Revision Petitions are taken for final disposal.

2. In the suits seeking for permanent injunction restraining the defendants from evicting the respondents unless under due process of law, the documents namely the building plan, corporation assessment and mortgage details, may not be relevant for substantiating the relief. It is seen that the respondents have the benefit of interim injunction and the trial Court has not discussed about the relevancy of these documents vis-a-vis for the relief sought for. As such, the orders may not be proper.

3. It is also brought to the notice of this Court that the landlords have

initiated eviction proceedings and fair rent proceedings. If at all the respondents are aggrieved, it is open to them to raise all the grounds as well as their claim of possession before the learned Rent Controller. Further more, in view of the initiation of the eviction proceedings and the grant of interim injunction, the allegations of threat of dispossession may be baseless.

4. In the result, I do not find any justification on the part of the trial Court in permitting production of documents as ordered in I.A.Nos.6181, 6182 & 6183 of 2016. Consequently, the fair and decretal orders in I.A.Nos.6181, 6182 & 6183 of 2016 in O.S.Nos.2859, 2860 & 2861 of 2014 are set aside.

5. Accordingly, the Civil Revision Petitions stand allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY 30.11.2018

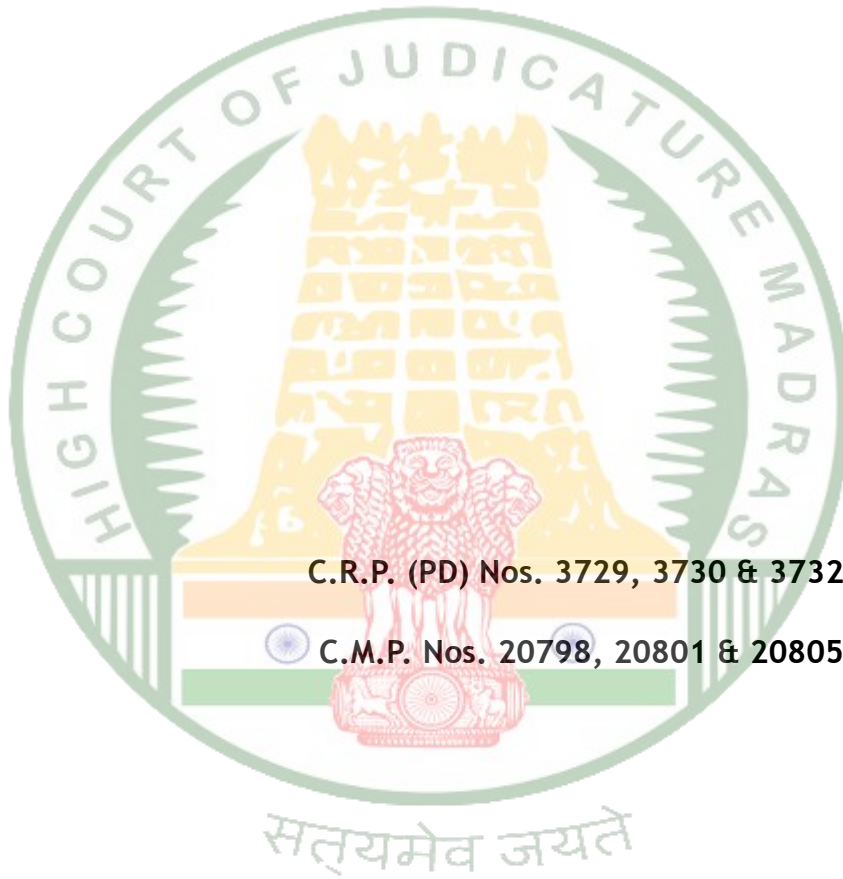
Index:Yes/No

Speaking order: Yes/No

hvk

M.S.RAMESH.,J

hvk



WEB COPY

30.11.2018