

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2019

Coram

The Honourable Mr.Justice M.M.SUNDRESH
and
The Honourable Mr.Justice KRISHNAN RAMASAMY

Original Side Appeal No.279 of 2013

A.Narayanan

... Appellant

Vs.

Official Trustee of Tamil Nadu,
High Court Campus,
Chennai-600 104.

... Respondent

Original Side Appeal is filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent against the order and decretal order of this court dated 05.04.2013 made in Application No.4561 of 2012 in C.S.No.177 of 1939.

A.no. 4561/2012 : Application praying that this court be passed to permit the applicant to effect construction consisting of ground and first floors as detailed above to consist of one Consulting room two multipurpose halls, four residential units two verandahs and staircase in the property given to lease to the Applicant bearing Door Nos.910 and 911, Thiruvottiyur High Road Chennai 600 019, in terms of the plan as submitted and approved by this Court by modifying the order dated 29/07/2011 made in Application No.142 of 2011.

For Appellant : Mr.S.Parthasarathy, Senior Counsel
for Mr.V.G.Suresh Kumar

For Respondent : Mr.M.Baskar, Official Trustee

JUDGMENT

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

During the course of arguments, we put it to the parties to

make an attempt to resolve the dispute, particularly, in the light of the earlier order passed by this Court, in which, a lease has been granted in favour of the appellant. Today, a sketch has been produced by the learned Senior Counsel appearing for the appellant, by which, the property in question has been divided into two. The suggestion made is to the effect that the respondent can take either one of classification made as 'A' or 'B'.

2. The learned counsel appearing for the Official Trustee, on instruction, has submitted that 'B' portion would be handed over in favour of the Official Trustee.

3. In such view of the matter, the Original Side Appeal stands disposed of by directing the appellant to hand over "B" portion of the sketch in favour of the Official Trustee, who shall deal with the same by developing it in the interest of the Trust. Thus, "A" portion will be in the possession of the appellant. The appellant is at liberty to use it for residential purpose on the very same terms as ordered by the learned single Judge, which is inclusive of rental. The appellant shall not make any claim over the "B" portion. The sketch filed would form part of the order. No costs.

Xerox Copy of the Skitch enclosed

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

raa

To
The Sub Assistant Registrar,
Original Side Section,
High Court, Madras - 600 104.

+1cc to Mr.V.G.Sureshkumar, Advocate SR.No.2533

O.S.A.No.279 of 2013

EV(CO)
GMY(29/01/2019)