

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 17TH DAY OF JUNE 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.A.NO.490 OF 2018

AND

A.NO.3999 OF 2018

IN

C.S.NO.314 OF 2018

Mr.T.Balan,
S/o.Tharappurathu Bappu,
Having office at 1st Floor,
No.6, Wallace Garden 3rd Street
Chennai 600 006

...Applicant/Plaintiff
(O.A.NO.490 OF 2018)
& A.NO.3999 OF 2018

-vs-

Mrs. P.Usha,
W/o. Dr.P.Subba Reddy,
Rep.by her POA Mrs.B.Rupa,
B.Krishna Mohan,
W/o.No.4, Wallace Garden,
3rd Street, Chennai 600 006

..Respondent/Defendant
(O.A.NO.490 OF 2018)
& A.NO.3999 OF 2018

O.A.NO.490 OF 2018:

Original Application praying that this Honble Court be pleased to pass an order of ad-interim injunction restraining the Respondent/Defendant, her Power Agent, men and other person or persons acting in the name of or through the Respondent/Defendant from alienating or creating any third party interest on the property situated at No.6, Wallace Garden 3rd Street, Chennai 600 006 pending disposal of the main suit.

A.No.3999 of 2018:

Application praying that this Honble Court be pleased to direct the Respondent/Defendant to furnish

security to the extent of the suit claim of Rs.1.55 Crores along with future interest and cost.

These Applications coming on this day before this court for hearing the court made the following order:

These applications have been filed for injunction restraining the defendant from alienating or encumbering the property and for direction to furnish security for the suit claim viz., Rs.1.55 Crores along with future interest and costs.

2. The case of the applicant/ plaintiff is that the plaintiff was a tenant under the defendant in respect of the property situate at No.6, Wallace Garden, 3rd Street, Chennai - 600 006. The defendant had initiated proceedings in RCOP.No.499 of 2014. The said RCOP was dismissed by the trial Court and on appeal the order of the trial Court was set aside and an order of eviction was granted in RCA.No.63 of 2017 on 01.11.2017.

3. The said eviction order was put in execution in EP.No.33 of 2018. The Executing Court ordered delivery and a Bailiff had gone to the spot on 19.01.2018 for effecting delivery. According to the Bailiff's report, during the process of delivery, one Mr.Jerome Santhosh obstructed and claimed that he is doing business there and he has also handed over an objection letter to the Bailiff.

4. In the said objection letter, the said Jerome Santhosh claimed that he has been doing business in the petition premises and since his name is not found in the warrant, the delivery should not be effected. It means that the 3rd party had set up tenancy in himself and obstructed delivery of possession. During the course of delivery, it appears that lawyers were engaged to obstruct the Bailiff. It is rather surprising to note that several lawyers accompany the Bailiff while delivery is effected or several lawyers are engaged to obstruct delivery.

5. From the report of the Bailiff it could also be gathered that people who came along with Jerome Santhosh had taken certain materials which were placed outside the premises and put them back into the premises and locked the premises. Whatever materials left outside the premises by the people who accompanied Jerome Santhosh were handed over to the decree holder. Those articles were returned to the plaintiff pursuant to an order of the Court.

6. Claiming that some of the articles viz., very important documents are missing and because of that he had incurred a loss of Rs.1.55 Crores, the plaintiff has come forward with the present suit.

7. I am unable to see *prima facie* case in favour of

8. The plaintiff has subsequently sought for time to vacate in a Civil Revision Petition. At that time this Court allowed the plaintiff to continue to stay in the premises. That by itself will not cloth the plaintiff with a right to seek compensation.

clear that none of the observations I made had any bearing on the trial.

Sd/ .R.S.M.J
17.06.2019

//Certified to be a true copy//
 Dated this the day of 2019.

R.s/21.06.2019 COURT OFFICER
From 25.09.2008 the Registry is issuing certified copies
of the Order/Judgment Decree in this format.