

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 08TH DAY OF FEBRUARY 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.A. No.840 of 2018

and

A. No.9902 of 2018

in

C.S. No.629 of 2018

Ashok Kumar Gupta,
S/o.Late N.D.Gupta,
No.31, Dr.Guruswamy Road,
Chetpet, Chennai-600 031. Applicant/Plaintiff
(in O.A. No.840 of 2018)

-Versus-

1. Mr.Sanjay Kumar Gupta,
S/o.Late N.D.Gupta,
2. Mr.Mohit Gupta,
S/o.Sanjay Kumar Gupta,
3. Mr.Akash Gupta,
S/o.Sanjay Kumar Gupta,
1 to 3 are residing at
Picnic Plaza, No.3, R.K.Mutt Road,
Mylapore, Chennai-600 004.
4. Rajendra Kumar Gupta,
S/o.Late N.D.Gupta,
C/o.Ratna Cafe, No.2,
Triplicane High Road,
Chennai-600 005.
5. Mr.N.Devendra Gupta,
S/o.Late N.D.Gupta,
No.2, R.K.Mutt Road,
Mylapore, Chennai-600 004.
6. Mr.Tarun Gupta,
S/o.Late B.S.Gupta,
7. Mr.Arun Gupta,
S/o.Late B.S.Gupta,

8. Mrs.Anupam Bansal,
S/o.Late N.D.Gupta,
6 to 8 are residing at
B-3, Lloyds Colony, Lloyds Road,
Chennai-600 014.
9. Mrs.Latha Gupta,
F-3, Lloyds Colony, Lloyds Road,
Chennai-600 014.
10. Mrs.Sudha Gupta,
11. Mrs.Rajini Gupta,
10 & 11 are residing at
C-3, Geetanjali Enclave,
New Delhi.
12. Mrs.Hema Gupta,
C-3, Geetanjali Enclave,
New Delhi.
13. Mrs.Beena Gupta,
No.5, 1st Main Road,
Chandra Bagh Avenue,
Mylapore, Chennai-600 004. Respondents/Defendants
(in O.A. No.840 of 2018)

O.A. No.840 of 2018:-

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the defendants 1 to 3, their men, servants, agents, employees or any other person(s) claiming through them or under them, from alienating, encumbering or in any manner dealing with schedule "B" property morefully described in the schedule hereunder, till the disposal of the above suit.

A. No.9902 of 2018:-

Mr.Sanjay Kumar Gupta,
S/o.Late N.D.Gupta,
Picnic Plaza, No.3, R.K.Mutt Road,
Mylapore, Chennai-600 004.

... Applicant

-Versus-

1. Ashok Kumar Gupta,
S/o.Late N.D.Gupta,
No.31, Dr.Guruswamy Road,
Chetpet, Chennai-600 031.
2. Mr.Mohit Gupta,
S/o.Sanjay Kumar Gupta,
3. Mr.Akash Gupta,
S/o.Sanjay Kumar Gupta,
2 & 3 are residing at
Picnic Plaza, No.3, R.K.Mutt Road,
Mylapore, Chennai-600 004.
4. Rajendra Kumar Gupta,
S/o.Late N.D.Gupta,
C/o.Ratna Cafe, No.2,
Triplicane High Road,
Chennai-600 005.
5. Mr.N.Devendra Gupta,
S/o.Late N.D.Gupta,
No.2, R.K.Mutt Road,
Mylapore, Chennai-600 004.
6. Mr.Tarun Gupta,
S/o.Late B.S.Gupta,
7. Mr.Arun Gupta,
S/o.Late B.S.Gupta,
8. Mrs.Anupam Bansal,
S/o.Late N.D.Gupta,
6 to 8 are residing at
B-3, Lloyds Colony, Lloyds Road,
Chennai-600 014.
9. Mrs.Latha Gupta,
F-3, Lloyds Colony, Lloyds Road,
Chennai-600 014.
10. Mrs.Sudha Gupta,
11. Mrs.Rajini Gupta,
10 & 11 are residing at
C-3, Geetanjali Enclave,
New Delhi.
12. Mrs.Hema Gupta,
C-3, Geetanjali Enclave,
New Delhi.

13. Mrs.Beena Gupta,
No.5, 1st Main Road,
Chandra Bagh Avenue,
Mylapore, Chennai-600 004.

... Respondents

Application praying that this Hon'ble Court be pleased to vacate the order of injunction granted on 10.09.2018 and O.A. No.840 of 2018.

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

Heard Mr.Kemparaj for applicant, Mr.K.Ramu, Mr.S.R.Rajagopal, Mr.R.Parthasarathy, Mrs.Nirmaleshwari and Ms.M.Vidya for the respondents.

2. The main grievance of the learned counsel for the respondents is that though the application in O.P.No.840 of 2018 was filed for seeking order of interim injunction to restraining the defendants 1 to 3 from alienating, encumbering or in any manner dealing with the Schedule "B" property. The order dated 10.09.2018 reads as if there will be an injunction with respect of both the "A" and "B" Schedule properties.

3. Mr.S.R.Rajagopal, learned counsel appearing for the applicant in Application No.9902 of 2018, which has been filed, seeking to vacate the injunction would fairly submit that if the injunction order is restricted to the Schedule "B" property alone, subject to his right to dispute the

said application, he would not have any grievance. The other counsel have also substantially adopted the arguments of Mr.S.R.Rajagopal.

4. In view of the same, the applications are disposed of with the following observations:

The order of the Interim Injunction granted on 10.09.2018 shall be confined only to the suit "B" Schedule properties. This grant of Injunction shall not however mean that this Court has accepted any of the averments made in the affidavit filed in support of the Injunction application. It will be open to the parties to raise all defences available to them in the suit. The Application Nos.840 of 2018 and 9902 of 2018 is disposed of as mentioned above.

Sd/-R.S.M.J

08/02/2019

//Certified to be true copy//

Dated at Madras this the day of 2019.
JJ 19/03/2019

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.