

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1.10.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

O.S.A.Nos.194, 196 and 165 of 2020
and
C.M.P.Nos.8042, 8045 and 8047 of 2020

Rajah Muthiah Chettiar Charitable
and Educational Trust,
rep. by its Trustee
RM.Palaniappan
Rani Seethai Hall Building,
No.603, Anna Salai,
Chennai 600 006. ..Appellant in all O.S.A's

Versus

1. Kumararajah Mutiah School of
Traditional Arts and Crafts,
A Public Charitable Society,
rep. by its Secretary,
Kumararani Meena Muthiah
'Chettinad House', Rajah Annamalaipuram,
Chennai 600 028.
2. Kumararani Meena Muthiah
3. Chettinad Logistics Private Limited,
rep. by its Director,
Rani Seethai Hall Building,
No.603, Anna Salai, Chennai 600 006.

..Respondents in all O.S.A's

Prayer: Original Side Appeal No.194 of 2020 filed under Order XXXVI Rule XI of Original Side Rules read with Clause 15 of the Letters Patent against the order dated 26.6.2019 in A.No.3684 of 2019 in A.No.1831 of 2016 in C.S.No.198 of 2016 passed by this court and consequently allow the reliefs sought for in A.No.1831 of 2016 in C.S.No.198 of 2016.

Original Side Appeal No.196 of 2020 filed under Order XXXVI Rule XI of Original Side Rules read with Clause 15 of the Letters Patent against the order dated 26.6.2019 in A.No.3684 of 2019 in O.A.No.238 of 2016 in C.S.No.198 of 2016 passed by this court and consequently allow the reliefs sought for in O.A.No.238 of 2016 in C.S.No.198 of 2016.

Original Side Appeal No.165 of 2020 filed under Order XXXVI Rule XI of Original Side Rules read with Clause 15 of the Letters Patent against the order dated 26.6.2019 in A.No.3684 of 2019 in O.A.No.239 of 2016 in C.S.No.198 of 2016 passed by this court and consequently allow the reliefs sought for in O.A.No.239 of 2016 in C.S.No.198 of 2016.

A.No. 3684/2019:Application praying that to vacate the order of injunction granted on 30.04.2019 in A.No. 1831/2016, O.A. No. 238/2016 and O.A. No. 239/2016 in C.S.No.198/2016 pending disposal of the Suit.

For Appellant : Mr.M.S.Krishnan, Senior Counsel for
Mr.Anirudh Krishnan

For Respondents 1 & 2: Mrs.A.L.Ganthimathi
for R3 :Mr.R. Mohan

COMMON JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

In the present matter, on 23.9.2020, the following order was passed by this court:-

"Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the respondents undertakes, upon instructions, that the respondents will not put up any further construction on the disputed site in question.

2. The learned Senior Counsel Mr.M.S.Krishnan, appearing for the appellant submits that this undertaking may be recorded.

3. Accordingly, the said Undertaking of the respondents is taken on record.

4. The learned Senior counsel for the appellant Mr.M.S.Krishnan also submitted that in the Application in A.No.1831 of 2016, regarding payment of Rs.Two Crores per month as mesne profits, there was no discussion at all in the order of the learned Single Judge and therefore, the order dismissing A.No.1831 of 2016 deserves to be set aside and the same deserves to be heard again by the learned Single Judge.

5. Mr.AR.L.Sundaresan, learned Senior Counsel for the respondents prays for a short accommodation to take instruction in this regard and get back to the court.

6. Put up on 1 October 2020, as prayed."

2. Today, Mrs.AL.Ganthimathi, learned counsel appearing for the Respondent submits that the Respondents are agreeable for remanding the cases back to the learned Single Judge for re-deciding the Application No.1831 of 2016 regarding payment of mesne profits as the plaintiffs claim to the extent of Rs.2 crore per month, but, however, no order thereon was passed by the learned Single Judge and the said Application also came to be considered without separate order on the said Application.

3. Mr.M.S.Krishnan learned Senior Counsel fairly agrees to the said submission of the learned counsel for the Respondents for remand of the cases to the learned Single Judge for re-deciding Application No.1831 of 2016 independently.

4. Accordingly, we dispose of O.S.A.No.196 of 2016 with the aforesaid directions. The other Appeals viz., O.S.A.Nos.194 and 165 of 2020 are disposed of in view of the aforesaid undertaking given by Mr.AR.L.Sundaresan, learned Senior Senior Counsel on 23.9.2020 that no further construction would be undertaken by the Respondent on the land in question. Accordingly, these Original Side Appeals are closed. Consequently, the connected Miscellaneous Petitions are also closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To:

1.The Sub Assistant Registrar
Original Side
High Court, Madras 104.

+3 CCS to Mr.Anirudh Krishnan, Advocate sr 32366

+1 CC to M/s.A.L. Gandhimathi, Advocate sr 32408

+3 Ccs to Mr.R.I. Ramesh, advocate sr 32367, 32558 & 32365.

O.S.A.Nos.194, 196 & 165/2020

SAI (CO)
SP(05/11/2020)