



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Wednesday, the Fifth day of August Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE R.SUBRAMANIAN

CMP.No.6432 of 2020

IN SA.No.656 of 2018

RAMESH KRISHNAN

[PETITIONER]

VS

1 NIRMALA VICTOR

[RESPONDENTS]

2 THOMAS WILSON

3 SANDRA WILSON

4 VALUE LOGICS PRIVATE LIMITED,
HAVING OFFICE AT FLAT NO.1,
REP.BY MR.SUBRAMANIYAM SHARMA,
REGIONAL MANAGER (OPERATION).

5 S.JAYARAMAN

6 R.PREMA

7 S.KUMARAN

8 S.MAHESHWARAN

9 SHYAMALA SRIDHARAN

10 SRIKANT SRINIVASAN

11 RAVIKARAN

12 LATHA GANAPATHY

13 N.SUBRAMANYAN

14 MANJU NATARAJAN

15 SUJATHA MANU

16 P.PREM

17 BEENA PREM



18 VIVEK PREM

19 LAKSHMI RAMA KRISHNAN

20 THE PRINCIPAL SECRETARY,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
NO.01,GANDHI IRVIN ROAD,
THALAMUTHU NATARAJAN HOUSE,
EGMORE,CHENNAI - 600 008.

21 THE COMMISSIONER,
GREATER CHENNAI CORPORATION,
RIPPON BUILDINGS, SYDENHAMS ROAD,
ANNAPAR THIDAL,PERIYAMET,
CHENNAI - 600 003.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restrain the respondents from disturbing the peaceful possession of the appellants property situated at Plot No.5(2) A and 5(2)B, 2nd seaward Road and Justice Balakrishnan Road, Valmiki Nagar, Thiruvannamiyur, Chennai 600041 (IN CMP.No.6432 of 2020) pending disposal of the present proceedings (SA.No.656 of 2018).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.SIVARAMAN, Advocate for the petitioner and of MR.K.V.ANANTHA KRUSHNAN, Advocate on behalf of the Respondents, the court made the following order:-

The petitioner seeks an order of injunction, pending the appeal, restraining the respondents from interfering with his possession of his property situate at plot No.5(2)A and 5(2)B, 2nd seaward Road and Justice Balakrishnana Road, Valmiki Nagar, Thiruvannamiyur, Chennai - 600 041.

2. The dispute relates to an Apartment complex particularly a penthouse situated in the terrace floor. While the plaintiffs claim that a clause relating to title of the terrace floor was stealthily included in the builders agreement, the appellant would contend that he had retained the right to put up construction in the terrace floor and occupy the same.

3. The Courts below have granted a decree in favour the respondents, declaring their title to the terrace portion and also a consequential injunction restraining the appellant from alienating or encumbering the so called unauthorised construction measuring about 1,790 sq ft. in the terrace floor of the Apartment complex. Aggrieved by the said Judgment and decree of the Courts below, the defendant has come up with this appeal.

4. Pending the appeal, the defendant seeks an injunction as stated above. The injunction petition does not contain a schedule of property. The injunction is with reference to the plaintiff's



property situated at plot No.5(2)A and 5(2)B, 2nd seaward Road and Justice Balakrishnana Road, Valmiki Nagar, Thiruvannamiyur, Chennai 600 041. Admittedly, there is an apartment complex situated in No.5(2)A and 5(2)B. There is nothing in the petition or in the affidavit to show that the injunction application is restricted to the particular portion of the property involved in this litigation.

5. Hence, I do not think it will be proper for me to grant an order of injunction when the very description of the property is not clear. Hence, this Civil Miscellaneous petition is dismissed, leaving it open to the petitioner to file an appropriate application with a proper description of property.

-sd/-
05/08/2020

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SECRETARY,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
NO.01,GANDHI IRVIN ROAD,
THALAMUTHU NATARAJAN HOUSE,
EGMORE,CHENNAI - 600 008.

2 THE COMMISSIONER,
GREATER CHENNAI CORPORATION,
RIPPON BUILDINGS, SYDENHAMS ROAD,
ANNAPAR THIDAL,PERIYAMET,
CHENNAI - 600 003.

C.C. to MR.S.SIVARAMAN Advocate on payment of necessary charges

Order
in

CMP.No.6432 of 2020
IN SA.No.656 of 2018

Date :05/08/2020

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