

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Eighteenth day of February Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE S.M.SUBRAMANIAM

CMP.Nos.22233 & 22237 of 2019

in AS.No.733 of 2019

V.MOHAN SRINIVASAN

[PETITIONER IN BOTH THE
PETITIONS]

Vs

1 INDIAN BANK

ARMB II, REPRESENTED BY ITS ASSISTANT
GENERAL MANAGER, NO.55 ETHIRAJ SALAI,
CHENNAI 600 008

[RESPONDENTS IN BOTH THE
PETITIONS]

2 MANOHAR PRASAD

PROPRIETOR, M/S ASIAN CAPITAL CONSOLIDATED
FUND N.2 SARANGAPANI STRETE, T.NAGR,
CHENNAI 600 017

3 J.D.A.CONSULTANCY SERVICES

PVT LTD, REPRESENTED BY ITS MANAGING DIRECTOR,
1ST FLOOR, CASA BLANKS COMPLEX, CASA MAJOR
ROAD, EGMORE, CHENNAI 600 006

4 ADHIMOOLAM

5 KANNAMAL

6 MUNIAMMAL

7 PADMAVATHY

8 IYYAKANNU

9 NAVANEETHA AMMAL

10 BABY AMMAL

11 SUBRAMANI

12 SAROJA AMMAL

13 RAMESH

14 MURUGAPPA NAICKER

15 GANAGADURI NAICKER

16 MUNUSAMY NAICKER

17 RUPUSWAMY NAICKER

18 SUBRAMANIYA NAICKER

19 ELUMALAI NAICKER

4 TO 19 REPRESENTED BY THEIR POWER OF
ATTORNEY AGENT, P.L.SUNDARAM, PROPRIETOR OF
PALANIAPPA ESTATES, 22/77, VENKATARATHINAM
NAGAR, ADYAR, CHENNAI 6

20 M/S RAVISHANKAR INDUSTRIES P
LTD, REPRESENTED BY ITS MANAGING DIRECTOR
FORMERLY KNOWN AS RAVISHANKAR FILM SP LTD,
REPRESENTED BY ITS MANAGING DIRECTOR, NO.2,
SARANGAPANI STREET

21 MANOHAR PRASAD
SMIRTHI 21 BEACH ROAD, KALAKSHETRA COLONY,
BESANT NAGAR, CHENNAI 600 090

22 M/S ASIAN CAPITAL CONSOLIDATES
AND HOLDINGS PVT LTD, REPRESENTED BY ITS
MANAGING DIRECTOR, NO2 SARANGAPANI STREET,
T.NAGAR, CHENNAI 600 017

Petitions praying that in the circumstances stated therein
and in the respective affidavits filed therewith the High Court
will be pleased to

(i) Stay the operation of the judgment and decree in
OS.NO.5210 of 2015 on the file of XVII Additional city Civil
Court, Chennai (in CMP.No.22233/2019) and

(ii) Grant an order of interim injunction restraining the 3rd
respondents his agents and servants, any person and every person
claiming through the 3rd respondent, from in any manner directly
or indirectly acting upon the sale certificate dated 03-01-2007
bearing Doc.1716 of 2007 registered on the file of Sub Registrar,
Neelankarai, pursuant to the interim DRC No.187 of 2001 dated
09.12.2001 in OA.No.375 of 1997 and including disturbing my
peaceful enjoyment dealing with the suit property more fully
described in the schedule B to the accompanying petition (in
CMP.No.22237/2019) pending disposal of the above AS.No.733/2019
respectively.

SCHEDULE OF PROPERTY XEROX COPY ATTACHED (IN CMP.22237/2019)

Order : These petitions coming on for orders upon perusing
the petition and the respective affidavits filed in support
thereof and upon hearing the arguments of M/S.PL.NARAYANAN,
Advocate for the petitioner in both the petitions and of M/S.RITA
CHANDRASEKARAN for M/S.AIYAR & DOLIA, Advocate for the 1st
respondent in both the petitions and of M/S.R.MOHANAKRISHNAN,
Advocate for the 3rd respondent in both the petitions the court

made the following order:-

The Stay Petition in C.M.P.No.22233 of 2019 has been filed to stay the operation of the judgment and decree in O.S.No.5210 of 2015 on the file of XVII Additional City Civil Court, Chennai, pending disposal of the above appeal.

2. The Injunction Petition in C.M.P.No.22237 of 2019 has been filed to grant an order of interim injunction, restraining the 3rd respondent his agents and servants, any person and every person claiming through the 3rd respondent, from in any manner directly or indirectly acting upon the sale certificate dated 03.01.2007 bearing Doc.No.1716 of 2007 registered on the file of Sub Registrar, Neelankarai pursuant to the interim DRC.No.187 of 2001 dated 09.12.2001 in O.A.No.375 of 1997 and including disturbing my peaceful enjoyment, dealing with the suit property morefully described in the Schedule-B to the accompanying petition, pending disposal of the above appeal.

3. The learned counsel appearing on behalf of the 1st respondent / Indian Bank brought to the notice of this Court that the suit schedule property has already been sold by way of an auction by the Bank and therefore, the Stay Petition and Injunction Petition need not be considered at this point of time.

4. This Court is of the considered opinion that all the other grounds raised in the appeal is to be considered at the time of hearing of the appeal suit.

5. As far as the interim relief is concerned, the appellant is not entitled as the property had already been sold by way of an auction.

6. Accordingly, the civil miscellaneous petitions in C.M.P.Nos.22233 & 22237 of 2019 in A.S.No.733 of 2019 stand dismissed. No costs.

7. Post the appeal suit immediately after Service of Notice to the respondents.

-sd/-

18/02/2020

/ TRUE COPY /

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

TO

1 THE REGISTRAR,
CITY CIVIL COURT, CHENNAI.

C.C. to M/S.PL.NARAYANAN Advocate on payment of necessary charges

C.C. to M/S.AIYAR & DOLIA, Advocate on payment of necessary charges

C.C. to M/S.R.MOHANAKRISHNAN, Advocate on payment of necessary charges

Order

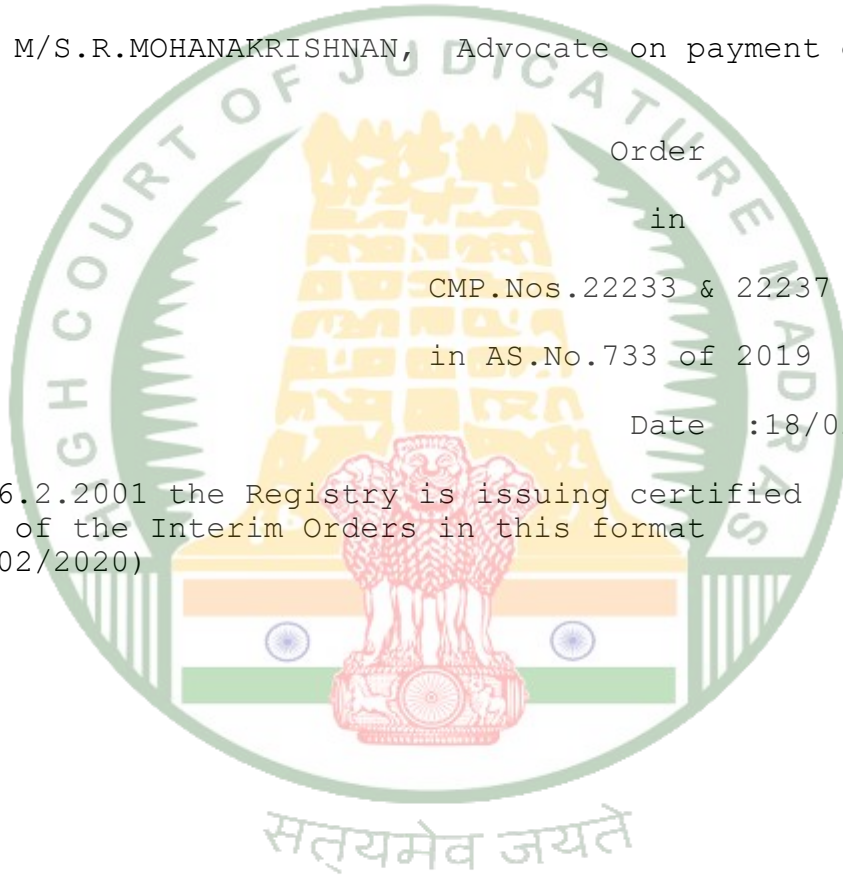
in

CMP.Nos.22233 & 22237 of 2019

in AS.No.733 of 2019

Date :18/02/2020

From 26.2.2001 the Registry is issuing certified copies of the Interim Orders in this format KP(20/02/2020)



WEB COPY