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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 9TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V PARTHIBAN

O.A.No.66 of 2021

in

C.S. No.40 of 2021

1.D.Kavitha
18/26 Veerabadran Street,
First Floor,
Mylapore, Chennai 600 004.

2.U.Sudha
18/26 Veerabadran Street,
First Floor,
Mylapore, Chennai 600 004.

..Applicants/Plaintiffs

-Versus-

1.P.Srinivasan
No.1/34 Veerabadran Street,
Mylapore, Chennai 600 004.

2.Karthik
No.18/26 Veerabadran Street,
Ground Floor,
Mylapore, Chennai 600 004.

3.G.Kesavan
No.18/26 Veerabadran Street,
Ground Floor,
Mylapore, Chennai 600 004.

4.Shanmughasundaram
No.18/26 Veerabadran Street,
First Floor,
Mylapore, Chennai 600 004.



5.Kanniappan
No.18/26 Veerabadran Street,
Second Floor,
Mylapore, Chennai 600 004.

6.Ganesan
No.18/26 Veerabadran Street,
Second Floor,
Mylapore, Chennai 600 004.

..Respondents/Defendants

Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the respondents 2 to 6 from making any payments to the 1st Respondent, pending disposal of the suit.

This Application coming on this day before this court for hearing, the Court made the following order:

This Application is filed to pass an order of interim injunction restraining the respondents 2 to 6 from making any payment to the first respondent pending disposal of the suit.

2. The applicant's father has settled property in favour of the applicant under a Deed of Settlement dated 05.05.2008 registered as Doc.No.1020 of 2008. The applicant's father expired on 24.05.2013 leaving behind the applicant, applicant's mother and the sister of applicant. The suit property was originally owned by the father of the plaintiffs. The plaintiffs state that ground and first floor was renovated during the life time of their father by pledging their mother's jewelry.

Thereafter, the first defendant put up a structure on the second and



third floors without obtaining any signature from the first and the second plaintiff or their mother. The first defendant took over the administration of the property and started collecting rents.

3.The learned counsel for the first respondent has filed counter in which he has clearly stated in paragraph 10 as under;

"10. There is no prima-facie case made out by the applicant for granting injunction. In as much as I have not collected the rents or collecting the rents from the tenants or have any intention in future to collect the rents from the said property, there is no balance of convenience in favour of applicants on the other hand it is very much in my favour."

4.The above undertaking is recorded. In view of the same, no further orders are required in the above application and the same stands closed.

Sd/-V.P.N.J

09/09/2021

// Certified to be true copy//

Dated at Madras this day of 2021.

Court Officer(O.S.)

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