

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.S.No.283 of 2012

1. V.Sri Hari

2. V.P.Raju

3. E.Manoharan

[PLAINTIFFS]

Vs

1. S.Arumugam

2. C.Manimaran

3. Senthil Kumar

Former Chief Administrative Officer,
Market Managment Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai 600 107.

4. The Chief Administrative Officer

Market Managing Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai 600 107.

5. The Chief Executive Officer

Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building,
Egmore, Chennai 600 008

6. Chennai Metropolitan Development Authority,
Rep by its Member Secretary,
Thalamuthu Natarajan Building,
Egmore, Chennai 600 008

7. The Senior Estate Officer-K (I/C)
AD Unit, Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai 600 008

[DEFENDANTS]

Plaint filed praying to pass a judgment and decree in favour of the first plaintiff against the defendants.

For Plaintiffs : M/s.P.Wilson Associates
For Defendants 1 and 2: Mr.K.S.Kumar
For Defendant 4 : Mr.Velmurugan
For Defendants 5 to 7 : Mr.C.Johnson

ORDER

Heard the learned counsel appearing for the plaintiffs and the learned counsel appearing for the defendants and perused the pleadings.

2. The following issues are framed for trial and adjudication:-

(i) Whether the sale deed executed by the second plaintiff (as Power Agent of the first defendant) to the first plaintiff on 21.12.2011 is valid in law and binding on defendants 1 and 2?

(ii) Whether the Sale Agreement dated 03.02.1989 between the first defendant and second plaintiff is valid and does it relate to the plaint schedule property?

(iii) Whether the Power of Attorney dated 23.01.1992 executed by the first defendant in favour of the second plaintiff relates to the suit property and is it binding on the first defendant?

(iv) Whether the plaintiff is entitled for the relief of permanent injunction against defendants 4 to 7 as prayed for?

(v) Whether the plaintiff is entitled for the relief of permanent injunction restraining the first and second defendants from interfering with the possession of the schedule mentioned shop?

(vi) Whether the plaintiff is the owner of the schedule mentioned shop by virtue of the sale deed dated 21.12.2011?

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(vii) To what other reliefs, the plaintiffs are entitled to?

3. Affidavit of documents and list of witnesses shall be filed within two weeks from today. Inspection of documents shall be done within a period of two weeks thereafter. The Registry is directed to post the case before the learned Additional Master-I for recording evidence on 01.12.2016. Proof affidavit of PW-1 by then. Both parties are directed to co-operate with the learned Additional Master-I for recording evidence and the learned Additional Master-I is directed to complete the process of recording evidence within a period of twelve weeks thereafter and list the case before this Court for arguments.

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