



WEB COPY



O.A.No.527 of 2021
in C.S.No.616 of 2011

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N.SESHASAYEE, J.,

In this case, final decree was passed on 05.10.2021. The first plaintiff and the third defendant wanted a separate share in the property and they have been granted their share. The defendants 9 to 12 have taken out this application to injunct them from interfering with the possession and enjoyment of the remaining portions allotted to other parties.

2. The learned counsel for the first plaintiff submitted that while her client is not inclined to breach the final decree passed by this Court and interfere with the portions allotted to other parties, yet she is entitled to a share in the arrears of rent that has accrued till the date of passing of the final decree.

3. The learned counsel for the third defendant submitted that the final decree has permitted his client to stay in the property for a period of four months from the date on which the possession of the plot allotted to him in terms of the final decree, and that he is under an obligation to hand over physical possession only when he is given a portion allotted to him in the final decree. He added that he will not interfere with others rights or possession and would abide by the terms of the final decree. He also submitted that the third defendant too is entitled to a share in the arrears of rent accrued till the date of passing of the final decree.



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4. The undertaking given by both the counsels vis-a-vis, the apprehension expressed by the applicants that they should not interfere with the rights of the others is hereby recorded.

5. So far as sharing the accrued income is concerned, this Court is informed that Kumar and Sivakumar would collect the same and disburse. This Court makes it clear that this process should not perennially go. Ultimately, it is a question of collecting the arrears of rent from the parties, which acts are alien to the cause of the action in the suit.

6. This Court records the undertaking of the counsels appearing for Mr.Kumar and Mr.Sivakumar and accordingly close the issue. Inasmuch as the sharing the arrears of rent, that has to be independently worked out.

7. Accordingly, this application is disposed of.

26.10.2021

ds



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