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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HON'BLE MR.JUSTICE PARESH UPADHYAY
AND
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

O.S.A.NO.216 OF 2021
AND
C.M.P.NOS.8839 TO 8841 OF 2021

1. V.N.Devadoss

2. N.Baskar

3. B.Baskaran

4. D.Padma ... Appellants/Applicants/
Plaintiffs

.Vs.

J.Ravikumar ... Respondent/Defendant

PRAYER:-

Appeal preferred under Order XXXVI Rule 1 of O.S. Rules r/w Clause 15 of Letters Patent against the fair and decreetal order dated 16.04.2021 made in O.A.No.255 of 2020 in C.S.No.162 of 2020.

PRAYER IN O.A.NO.255 OF 2020 IN C.S.NO.162 OF 2020:-

Under Order III Rule 1 and Order XIV Rule 8 O.S. Rules, 1956 r/w Order XXXIX Section (5) 1 & 2 CPC to granting an order of Interim Injunction restraining the Respondent/Defendant or his men or any person or Person Claiming through him from making any Vexacious/Frivolous/False Allegations against them either by words in person or by writing slanderous and malicious statements by way of letters or such means like publication or in website or in any form in electronic media, thereby threatening the Applicants/Plaintiffs.



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For Appellants .. Mr.P.R.Raman
Senior Advocate
For Mr.C.Seethapathy

For Respondents .. Mr.V.Chandraprabu
For caveator

JUDGMENT'

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order passed by learned single Judge dated 16 April 2021 recorded on O.A.No.255 of 2020 in C.S.No.162 of 2020. This appeal is by the original plaintiffs.

2. Heard the learned advocates for the respective parties.

3. Learned senior advocate for the appellants has taken this Court extensively through the reasons, observations and directions of learned single Judge while passing the impugned order rejecting the application for injunction. Serious grievance is made on behalf of the appellant that, in the suit for injunction, what worst could have happened to the plaintiffs is rejection of the application for interim injunction, however, the impugned order travels much beyond it.

4. Having heard learned senior advocate for the appellants and learned advocate for the original defendant/present respondent, we find that the point for consideration before learned single Judge was whether in the facts of the case, the plaintiffs were entitled to injunction as prayed for or not. If the Court was of the view that injunction was not required to be granted, the application could certainly have been rejected, however while rejecting the application, learned single Judge has given various directions to the State authorities to look into the affairs of the appellants including qua some parcel of land, which according to the appellants had already attained finality, including the scrutiny by this Court. Since the same was so or not, could not be the point at issue in the suit in question and therefore could not have been the point at issue while deciding the injunction application, the same necessarily can not be the issue before this Court in this appeal as well. Therefore, though learned advocate for the original defendant attempted to address this Court qua that point, we have not entertained that argument.



5. Suffice it to note that, the impugned order is unsustainable on more than one grounds. The same is quashed and set aside.

6. We note that, while issuing notice on 19.05.2021 the directions contained in para 34 of the impugned judgment/order were stayed, by the subsequent order dated 30.09.2021, interim injunction operating in favour of the appellants/plaintiffs - during the pendency of the application, was also restored by the Court.

7. However, we find that when the injunction application is to be rejected simplicitor, even that injunction would also not hold the field. Needless to observe that, if any fresh cause of action arises for the appellants, appropriate action be taken in accordance with law.

8. This original side appeal is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi/5

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.C.Seethapathy, Advocate, S.R.No.62815
+1cc to Mr.V.Chandraprabu, Advocate, S.R.No.62673

O.S.A.NO.216 OF 2021

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