



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2154 of 2021
and C.M.P.No.11909 of 2021

1. Tributo Holdings Pvt. Ltd.,
Rep. by its Director Gopalakrishna Shetty,
No.3, Club Road, Chetpet,
Chennai - 600 031.
2. Huracan Holdings Pvt. Ltd.,
Rep. by its Director Gopalakrishna Shetty,
No.3, Club Road, Chetpet,
Chennai - 600 031.
3. Portfino Holdings Pvt. Ltd.,
Rep. by its Director Gopalakrishna Shetty,
No.3, Club Road, Chetpet,
Chennai - 600 031.

.. Appellants 1 to 3/Defendants 5 to 7

Vs.

1. K.Arul Mozhi
2. M.Akila
3. V.Arunalini
4. Selvaraj Arun Kumar
5. S.Amudha Ganesan
6. A.Praveena
7. A.Akshara
8. S.R.Booshanam

.. Respondents 1 to 3/Plaintiffs 1 to 3

.. Respondents 4 to 7/Defendants 1 to 4

.. 8th Respondent/8th Defendant

Prayer: Civil Miscellaneous Appeal filed under Order XLIII Rule 1(r) of Code of Civil Procedure to set aside the order passed in I.A.No.2 of 2021 in O.S.No.201 of 2021, dated 29.04.2021 on the file of the Principal District Court, Chengalpattu.



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For Appellants : Mr.T.V.Ramanujan
SC for Mr.S.Prem Auxilian Raj

For Respondents 1 to 3 : Mr.A.V.Bharathi

For Respondents 4 to 7 : No appearance

For Respondent 8 : Mr.N.Dorai Kannan

J U D G M E N T

(The case has been heard through video conference)

This appeal has been filed challenging the interim order granted by the trial Court on 29.04.2021 in I.A.No.2 of 2021 in O.S.No.201 of 2021 on the file of the learned Principal District Judge, Chengalpattu.

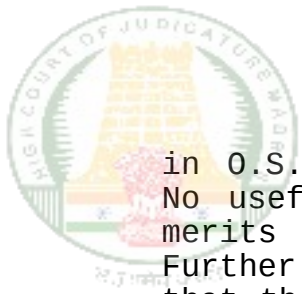
2. The trial Court passed the following impugned order:

"Arguments heard, prima facie made out, balance of convenience upon the petitioner. Ad interim injunction granted not to alienate the property till 1.6.2021 against D5 to D7. Notice to respondents through Court, post and provisions of O 39 R 1 and 3 to be complied. Call on 1.6.2021."

3. The suit was filed by the respondents 1 to 3, who are the daughters of the 8th respondent. The suit was filed for partition and for declaration that the sale deeds executed in favour of the appellants dated 24.03.2021, as null and void and they have also sought for other declarations as well. Those declarations pertain to documents, under which the respondents 4 and 5 traces title. The appellants are the purchasers of the suit schedule property from the respondents 4 to 7 under three sale deeds all dated 24.03.2021, registered as Document Nos.2566, 2567 & 2568 of 2021.

4. The case of the appellants is that they have paid a huge sale consideration of approximately Rs.29 crores to the respondents 4 to 7 for the purchase of the suit schedule property. According to them, they are bona fide purchasers having paid the valuable sale consideration.

5. The main contention of the appellants in this appeal is that no reason has been assigned in the impugned order wherein the injunction has been granted against the appellants from alienating the property. At the time of admission of this appeal on 03.08.2021, this Court suspended the interim order dated 29.04.2021, passed by the trial Court in I.A.No.2 of 2021



in O.S.No.201 of 2021 and the said order continues till date. No useful purpose will be served if the appeal is decided on merits at this stage when there is already a suspension order. Further as seen from the impugned order excepting for stating that the plaintiffs have made out a prima facie case and balance of convenience in their favour, no reasons have been given by the Trial Court for passing the impugned order. This Court is of the considered view that in the interest of the parties to the dispute, direction can be issued by this Court to the trial Court to dispose of I.A.No.2 of 2021 in O.S.No.201 of 2021 within a time frame to be fixed by this Court. For this proposition, the learned counsel appearing on both the sides have not raised any serious objection. But however, the learned counsel for the respondents 1 to 3 (daughters) and the learned counsel for the eighth respondent (mother) requested this Court to refer the parties to mediation, so that the mother and the daughters are also paid a portion of the sale consideration.

6. For the foregoing reasons, without going into the merits of the matter, this Court directs the learned Principal District Judge, Chengalpattu to dispose of I.A.No.2 of 2021 in O.S.No.201 of 2021 within a period of two months from the date of receipt of a copy of this judgment. Since the respondents 1 to 3 and 8 in this appeal who are the daughters and the mother respectively who have not been paid any sale consideration, they are granted liberty to file any other interim applications if they so desire before the trial court to protect their interest and the trial court shall dispose of those application as and when filed, on merits and in accordance with law. If the trial court deems it fit to refer the dispute between the respondents to mediation, it is at liberty to do so. Since the impugned order was already suspended on 03.08.2021, the said order shall continue till the disposal of I.A.No.2 of 2021 in O.S.No.201 of 2021. With the above directions, this civil miscellaneous appeal is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

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To

The Principal District Court,
Chengalpattu.



Copy to
The Section Officer,
VR Section, High Court, Madras.

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+2CCs to Mr.N.Dorai Kannan, Advocate, SR.No. 52193
+1CC to M/s.S.Prem Auxilian Raj, Advocate, SR.No. 52617

C.M.A.No.2154 of 2021
and C.M.P.No.11909 of 2021

GPL(CO)
B.VC (28/10/2021)