



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 17th DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

O.A.No.525 of 2021

in

C.S. No.16 of 2013

Advait Shivkant Nathan,
162, Justice V.Ramaswami Road,
Kamaraj Avenue,
Adyar, Chennai – 600 020.
Represented by his Agent,
Justice V.Ramaswami (RETD)

... Plaintiff/Applicant

-Versus-

1. Shivkant Jaganathan,
100 & 101 D Block, 6th Street,
Anna Nagar East,
Chennai – 600 102.

***2.Sureka Alagannan,
New No.4, Old No.100, D Block,
6th Street, Anna Nagar (East),
Chennai 600 102.**

***3.Ms.Tara,
Minor Represented by Guardian
Shivkant Jaganathan (Defendant1),
New No 4, Old No.100, D Block,
6th Street, Anna Nagar (East),
Chennai 600 102.**

... Defendants /Respondents



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*** (Defendants 2 and 3 impleaded as per order dated 19/9/13 in A.No.2847/2013 and time extended as per order dated 18/11/13 in A.No.5438/2013) O.A.No.525 of 2021:-**

Original Application praying that this Hon'ble Court be pleased to Pass an order of Interim Injunction Restraining the Respondents/Defendants and any person(s), Agent(s), Servant(s) or other(s), claiming or authorised by Respondents/Defendants 1 & 2 from alienating, encumbering or disposing the property referred to in schedule-V of the suit, specifically described in the Schedule pending disposal of the suit in C.S.No.16 of 2013.

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

The matter is listed today under the caption “for being mentioned”.

2.Mr.Omprakash, the learned Senior Counsel appearing for the 1st defendant brought to the notice of this Court atleast two errors in stating the fact and one omission in the operative portion of the order dated 03.12.2021.

3.The factual errors pointed out by the learned Senior Counsel are:

(a) in paragraph 2 of the order it is stated that O.A.No.493 of 2013 was filed by the plaintiff seeking an order of ad-interim injunction against the sole



defendant was then before the Court from alienating all the properties, whereas, **in the order items 2 and 6 are stated to have been exempted from that application.**

(b) in paragraph 3, this Court has recorded that the plaintiff has impleaded the defendants 2 and 3 who are the settlees of items 2 and 5, **whereas only the 2nd defendant is the settlee of items 2 and 5.**

(c) the last sentence in paragraph 3 it is stated that the present application is taken out by the plaintiff as regards items 2 and 5 **whereas the application is confined only to item No.5.**

(d) so far as the operative portion of the order in paragraph 6 is concerned, the learned counsel submitted that while he had given an undertaking that item 5 would not be sold, **whereas they have also added that on construction, portions may be leased out.** However, in the order, the rider portion has not been indicated.

4.This Court vividly recall the same since the order has been passed is not long ago. Therefore, the operative portion in paragraph 6 shall stand as below:

6.The defendant 2, the settlee of item No.5 has stated in the concluding paragraph of the affidavit that he has no intention to sell the property. However, he would only intend to lease out portions of the building now under construction. The learned counsel for the 2nd



defendant reiterated the same position even before this Court. This statement is recorded.”

5.As to rest, the order dated 03.12.2021 stands.

Sd./-NSSJ.
17.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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EVK 28.02.2022