



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 14TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.323 of 2021

Dr. P.Ramesh Rao,
S/o.Late Dr.P.Sripathi Rao,
23A, 23B & 23C, Barnaby Road,
Kilpauk,
Chennai – 600 010
Now residing at
2910 Wilson Lane,
Glenview, IL-60026, USA.

Rep. by its Power Agent adjudicated
Vide Doc No.:ADJ/155/2021
Executed on 20.10.2021, SRO Purasaiwalkam,
Mrs.Shobha Hebbar,
92, Dr.Alagappa Road, Flowers Road,
Chennai 600 084.

... Plaintiff

Vs

1. Mrs.Shareen Premanayagam,
W/o.Premanayagam,
No.5, Bharath Nagar Extension,
200 feet, Water Canal Road,
Behind ICI School,
Kolathur,
Chennai – 600 099.



2. Mr.Premanayagam,
No.5, Bharath Nagar Extension,
200 feet, Water Canal Road,
Behind ICI School,
Kolathur,
Chennai – 600 099.

...Defendants

Civil Suit praying that this Hon'ble Court be pleased to grant a
Judgment and decree as follows

(a) to grant permanent injunction restraining defendants, their men,
agents, servants or anyone acting or claiming under or on behalf of
Defendants in any manner interfering with the plaintiff's rightful and
peaceful possession and enjoyment of the suit schedule property.

(b) To award costs of the suit

This Civil suit coming on this day before this Court for hearing in the
presence of Mr.Jeyish Dolia for M/s.Aiyar and Dolia, Advocate for the
plaintiff herein and Mr.K.Prem Kumar, Advocate for the defendants herein
and upon reading the plaint filed herein in C.S.No.323 of 2021 and this
Court having observed that since the defendants have expressly pleaded in
their written statement that they do not have any intention to interfere with
the plaintiff's peaceful possession and enjoyment of the suit

schedule property, it is ordered and decreed as follows:-



WEB COPY That (1) Shareen Premanayagam, and (2) Premanayagam, the defendants herein, their men, agents, servants or anyone acting or claiming under or on behalf of defendants, be and are hereby restrained by an order of permanent injunction from in any manner interfering with the plaintiff's rightful and the peaceful possession and enjoyment of the suit property morefully set out in the schedule hereunder.

2) That there shall be no order as to costs of this suit.

SCHEDULE OF PROPERTY

Item 1:

All that house property consisting of land and buildings thereon at No.:23-A, Barnaby Road, Kilpauk, Chennai – 600 010, comprised in R.S.No.3124 (as per patta in R.S.No.3124/2), in patta in C.A.No.76/1965-1966, Block No.51, Kilpauk Village, Purasawalkam – Perambur Taluk, Chennai District, land admeasuring 7908 sq. ft. in extent together with a built-up area of 4550 sq. ft. and bounded on the

North : Barnaby Road;

South: Property bearing No.23-C

East: Kola Saraswathi School bearing No.22, Barnaby Road,

**Item 2:**

WEB COPY All that house property consisting of land and buildings thereon at No.:23-B, Barnaby Road, Kilpauk, Chennai – 600 010, comprised in R.S.No.3124 (as per patta in R.S.No.3124/2), in patta in C.A.No.76/1965-1966, Block No.51, Kilpauk Village, Purasawalkam – Perambur Taluk, Chennai District, land admeasuring 9132 sq. ft. (3 Grounds and 1932 sq. ft.) in extent together with a built-up area of 8112 sq. ft. with half undivided right in the entire common passage admeasuring 1480 sq. ft. and bounded on the

North : Barnaby Road;

South: Door No.829/4, Poonamalle High Road,

East: Common Passage

West: Door No.24, Barnaby Road.

Item 3:

All that house property consisting of land and buildings thereon at No.:23-C, Barnaby Road, Kilpauk, Chennai – 600 010, comprised in R.S.No.3124 (as per patta in R.S.No.3124/2), in patta in C.A.No.76/1965-1966, Block No.51, Kilpauk Village, Purasawalkam – Perambur Taluk, Chennai District, land admeasuring 6627 sq. ft. in extent together with a built-up area of 3797 sq. ft. and bounded on the

North : Door No.23-A, Common Passage and Door No.23-B;

South: Door No.829/3, Poonamalle High Road,



East: Kola Saraswathi School bearing No.22, Barnaby Road,

West: Door No.23-B, Barnaby Road.,

Together with the entire passage admeasuring 1480 sq. ft. and situate within the Registration District of Chennai Central and the Registration Sub-District of Purasawalkam.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 14th DAY OF DECEMBER 2021.

Sd/-
ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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28.12.2021

C.S. No.323 of 2021

DECREE:

DATED: 14.12.2021

THE HON'BLE MR. JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 30.12.2021

APPROVED ON: 11.01.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

C.S.No.323 of 2021

Dr. P.Ramesh Rao,
So.Late Dr.P.Sripathi Rao,
Rep. by its Power Agent adjudicated
Vide Doc No.:ADJ/155/2021
Executed on 20.10.2021, SRO Puraissawalkam,
Mrs.Shobha Hebbar,
92, Dr.Alagappa Road, Flowers Road,
Chennai 600 084 ... Plaintiff

Vs

1. Shareen Premanayagam
2. Premanayagam ...Defendants

Plaint under Order VII Rule 1 C.P.C. read with Order IV Rule 1 of Original Side Rules to grant permanent injunction restraining Defendants, their men, agents, servants or anyone acting or claiming under or on behalf of Defendants in any manner interfering with the plaintiffs rightful and the peaceful possession and enjoyment of the suit schedule property.

For Plaintiff : M/s.Aiyar and Dolia

For Defendants : Mr.K.Prem Kumar

JUDGMENT



(a) to grant permanent injunction restraining defendants, their men, agents, servants or anyone acting or claiming under or on behalf of Defendants in any manner interfering with the plaintiff's rightful and peaceful possession and enjoyment of the suit schedule property.

2. Written statement has been filed by the defendants. Learned counsel for the defendants, on instructions, submits that the defendants do not have the intention of interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

3. Learned counsel for the plaintiff drew the attention of this Court to paragraph Nos.3 and 7 of the written statement filed by the defendants and he would be satisfied, if the statements made in those paragraphs are recorded by this Court and decree passed in terms thereof. He would also submit that with regard to the other allegations made by the defendants against the plaintiff in their written statement, the same is denied. After recording the statements made by the respective counsels, the following statements made by the defendants in paragraph Nos.3 and 7 of the written statement are extracted hereunder.



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allegations and averments contained in the plaint in C.S. No.323 of 2021, because the defendants never interfered with the plaintiff's or anyone else's possession and enjoyment of the suit schedule property. The 1st defendant state that the 2nd defendant herein is her husband and the 2nd defendant has nothing to do with the suit property or with the family of Mrs.Malathi Sripathi Rao and simply because the 2nd defendant is the husband of the 1st defendant, he is arraigned as one of the party to the above frivolous and vexatious suit filed by the Plaintiff. Moreover the Power Agent has made several false allegations and averments against the defendants herein without any personal knowledge about the causes of action pleaded in the plaint and on this reason alone, the above suit itself is liable to be dismissed in limine with exemplary costs. Further the defendants feel that the present suit is unnecessary and unwarranted litigation and invented with oblique motive just to threaten the defendants from taking legal steps to probate the WILL dt.29.07.2021 executed by Mrs.Malathi Sripathi Rao(Late) and fulfill her Last Wishes.

7. The defendants reiterate that they never interfered with the plaintiff's possession and enjoyment over the suit property or anyone's rights over the same. The 1st defendant states that it is her duty to fulfil the last wishes of her friend, Mrs.Malathi Sripathi Rao and her husband is a total stranger to the family of the deceased.



Therefore, the above suit was laid based on mere assumptions and presumptions without any cause of action and for the sake of a suit, the above vexatious and malicious suit has been filed before this Hon'ble Court, just to divert the attention of the disputes brewing between the plaintiff and sons of his younger brother, P.Suresh Rao. In fact, she reliably understand that the grandsons of the deceased, Mrs.Malathi Sripathi Rao (viz., the children of pre-deceased son, P.Suresh Rao) have already initiated legal steps to claim their rights over the suit property and other properties left by Mrs.Malathi Sripathi Rao and filed a partition suit before this Hon'ble Court. Further there are several whatsapp messages exchanged between the 1st defendant and Mrs.Sandhya, wife of the plaintiff herein during the life time of the said Mrs.Malathy Sripathi Rao, which will throw the light, who is the greedy person and how the plaintiff and his wife treated the deceased Mrs.Malathi Sripathi Rao during her life time and whether they have extended their love and affection etc., the 1st defendant will produce those records and other records in the Probate proceedings to show that the plaintiff and his wife are only interested in the properties of the deceased and they never extended their true love, affection, care and compassion to the deceased Mrs.Malathi Sripathi Rao.

4. Since the defendants have expressly pleaded in their written



peaceful possession and enjoyment of the suit schedule property, this Court has to necessarily decree the suit as prayed for in C.S. No.323 of 2021, based on the admission made by the defendants in their written statement.

5. In terms of the aforementioned admissions made by the defendants in paragraph Nos. 3 and 7 of the written statement, the suit is decreed as prayed for in C.S.No.323 of 2021. However, there shall no order as to costs.

Sd./- A.Q.J.
14.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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