

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No. 4281 of 2018
and
CMP No.23454 of 2018

M.Chandrasekar

..... Petitioner

Vs

1.T.Kothandapani
2.M.T.Yogeswaran
3.T.Gomateeswaran
4.R.Vasu
5.V.Tamilselvi

6.The Assistant Engineer,
Corporation of Chennai,
Zone V, Basin Bridge Road,
Royapuram, Chennai – 600 013.

7.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.

..... Respondents

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Judgment and Decree dated

05.07.2017 made in CMA No.72 of 2015 on the file of the learned VI Additional Judge, City Civil Court, Chennai, confirming the fair and decreetal order dated 23.06.2015 made in I.A.No.7188 of 2015 in O.S.No.2740 of 2015 on the file of the learned VIII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.A.Vimal Raj
for Mr.N.R.Anantha Ramakrishnan
For R1 to R5 : Mr.G.Ameedius
For R6 & R7 : Mr.KRaja Shrinivas

ORDER

This Civil Revision Petition is filed against the Judgment and Decree dated 05.07.2017 made in CMA No.72 of 2015 on the file of the learned VI Additional Judge, City Civil Court, Chennai, confirming the fair and decreetal order dated 23.06.2015 made in I.A.No.7188 of 2015 in O.S.No.2740 of 2015 on the file of the learned VIII Assistant Judge, City Civil Court, Chennai, thereby confirming the order passed by the Trial Court, thereby granting interim injunction.

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2. The petitioner is the defendant and the respondents 1 to 5 are the plaintiffs. The respondents 1 to 5 filed a suit in O.S.No.2740 of 2015 for declaration, declaring that they are entitled for an easementary

right of Air, light and ventilation through their ventilators and windows on their northern side and southern side of their properties respectively from open passage mentioned in the 'B' schedule property.

3. While pending the suit, they filed a petition in I.A.No.7188 of 2015 for interim injunction. While pending the interim injunction, it seems that the petitioner put up construction in the passage mentioned in the 'B' schedule property. Further, according to the respondents, the petitioner without any sanctioned plan from the Corporation had put up construction. Therefore, the Court below appointed an Advocate Commissioner to know the physical features of the property and also granted interim injunction as prayed for in respect of the pathway ad-measuring 47' X 3 ½' feet in the 'B' schedule property. Aggrieved by the same, the petitioner herein filed a Civil Miscellaneous Appeal in CMA No.72 of 2015 and the same was also dismissed for default.

4. In view of the above, this Court finds no infirmity or illegality in the order passed by the Court below. However, the suit is of the year

2015. The Trial Court is directed to dispose of the suit within a period of twelve months from the date of receipt of a copy of this order.

5. With the above direction, the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.
No costs.

28.07.2021

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

To

1. The VI Additional Judge,
City Civil Court,
Chennai.

2. The VIII Assistant Judge,
City Civil Court,
Chennai.

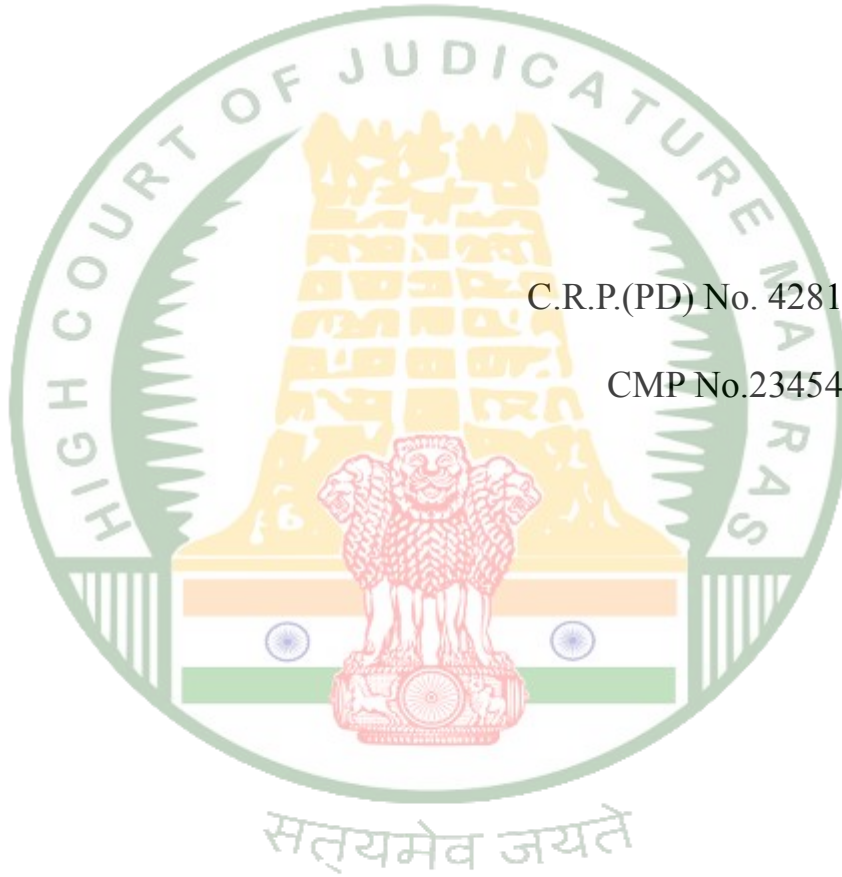
3. The Section Officer,
V.R.Section,
High Court, Madras.

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G.K.ILANTHIRAIYAN.J,

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