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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF JULY, 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

C.S.No.788 of 2018
&
O.A.Nos.1096, 1098 & 1099 of 2018
&
A.No.2133 of 2020

**C.S.No.788 of 2018 & O.A.Nos.1096, 1098 & 1099 of 2018
& A.No.2133 of 2020:-**

1.Keswarlall Bolah,
S/o.Somnarain bolah.

2.Mrs.Sewarani Bolah,
W/o.Keswarlall Bolah.

Both residing at:

AVE DES HIRONDELLES,
SODNAC, QUATRE-BORNES,
MAURITIUS.

Represented by their Power Agent,
J.Alexis Rajakumar,
S/o.Late Jeganathan,
Old No.154, New No.72, Second Street,
Secretariat Colony,
Kilpauk, Chennai – 600 010.

.... Plaintiffs/Applicants

-Versus-

1. M/s.Grayshott Owners Association,
Represented by its President,
Major K.S.Mani,
No.4, Bishop Garden Extension,



Raja Annamalaipuram,
Chennai – 600 028.

2. M/s.Grayshott Owners Association,
Represented by its Secretary,
D.Ramesh,
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai – 600 028.

3. K.Shanmugam,
S/o.Mr.Kothandam,
Manager-I, Grayshott Owners Association,
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai – 600 028.

4. T.Soundararajan,
S/o.Thanikachalam,
Manager-II, Grayshott Owners Association,
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai – 600 028.

5. Nirupa Vishwanath,
Flat No.K304, Grayshott Apartments,
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai – 600 028.

6. Ashwin Ravindranath,
No.K304, Grayshott Apartments
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai – 600 028.

7. Haja Mohideen,
No.E-102, Grayshott Apartments,
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai – 600 028.



8. B.M.Chandrasekhar,
No.J-303, Grayshott Apartments,
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai – 600 028.

... Defendants /Respondents

C.S.No.788 of 2018:-

Civil Suit praying that this Hon'ble Court be pleased to:-

A) Directing the Defendants jointly and severally to pay to the plaintiffs a sum of Rs.1,00,00,000/- (Rupees One Crore only) towards damages for loss of reputation, mental agony, physical strain and stress suffered by them at the hands of the Defendants on account of their actions, deeds and things in relation to the Flat bearing No.K-301 in the Third Floor “K” Block, “Greyshott Apartments”, more fully described in the Schedule “A” to the Plaint,

B) For a Permanent injunction restraining the Defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them from in any manner interfering with the Plaintiffs' peaceful possession and enjoyment of their Flat including the free ingress and egress through the main door as well as the newly fixed door at Flat bearing No.K-301 in the Third Floor “K” Block, “Greyshott Apartments”, more fully described in Schedule “A” to the plaint;

C) For a Permanent Injunction restraining the Defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them from in any manner interfering with the right of the Plaintiffs to attend to repairs, Plastering, Patti work, painting, Polishing, fixing of wash basin in the Wash Room and other incidental work to be accomplished through the Plaintiffs' Civil Engineer and his workmen, as per



Schedule “B” to the plaint, except in accordance with law;

D) For a Permanent Injunction restraining the Defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them from in any manner interfering with the plaintiffs' relatives, guests, servants, men, service personnel etc. from visiting their Flat bearing No.K-301 in the Third Floor “K” Block, “Greyscott Apartments”, more fully described in Schedule “A” to the plaint, except in accordance with law;

E) For such further or other reliefs;

F) Costs of the suit.

O.A.No.1096 of 2018:-

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the respondents/defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them from in any manner interfering with the Applicant/Plaintiffs' peaceful possession and enjoyment including the free ingress and egress through the main door/as well as the newly fixed door at Flat bearing No.K-301 in the Third Floor "K" Block, "Grayshott Apartments", more fully described in the schedule hereunder, pending disposal of the above suit.

**O.A.No.1098 of 2018:-**

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the respondents/defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them from in any manner interfering with the right of the Applicant/Plaintiffs' to attend to repairs, plastering, Patti work, painting, Polishing, fixing of wash basin in the Wash Room and other incidental work to be carried out at Flat No.K-301, Grayshott Apartment, more fully described in the Schedule 'A' hereunder, to be accomplished through the Applicants/Plaintiffs' Civil Engineer and his workmen, as per specifications mentioned in the Schedule 'B' hereunder, pending disposal of the suit.

O.A.No.1099 of 2018:-

Original Application praying that this Hon'ble Court be pleased to grant an order of interim Mandatory injunction, directing the Respondents/Defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them to allow undeterred ingress and egress to the applicants/plaintiffs, their relatives, guests, servants, men, service personnel etc. including the peaceful possession and enjoyment of the Flat bearing No.K-301 in the Third Floor "K" block, "Greyshott Apartments", more fully described in Schedule hereunder, except in accordance with law, pending disposal of the above suit.

**A.No.2133 of 2020:-**

Application praying that this Hon'ble Court be pleased to receive the documents as per the list appended to the judges summons.

This suit alongwith these applications coming on this day before this court for hearing in the presence of Mr.R.Thiagarajan, Advocate for the plaintiff in C.S.No.788 of 2019 and for the applicants in O.A.Nos.1096, 1098 & 1099 of 2018 and A.No.2133 of 2020 and Ms.R.Ramya, Advocate for the defendants 1 to 3, 7 & 8 in C.S.No.788 of 2018 and for the respondents 1 to 3, 7 & 8 in O.A.No.1096, 1098 & 1099 of 2018 and A.No.2133 of 2020 and upon reading the plaint filed in C.S.No.788 of 2018 and the judge's summons and the affidavit of J.Alexis Rajakumar filed in O.A.Nos.1098 & 1099 of 2018 and A.No.2133 of 2020 and the order dated 03.09.2019 made in O.A.No.1096 of 2018 and joint memo of compromise signed by the plaintiffs and the defendants 1 to 3, 7 & 8 with their respective advocates and the said advocates for the parties hereto and this court pass a decree in term of joint memo of compromise morefully set out in the schedule hereunder and this court doth recording the same, **it is in terms thereof ordered and decreed as follows:-**

(1) That the plaintiffs herein, shall be entitled to use the newly fixed door and the plaintiffs herein, shall continue to use Flat No.K-301 on the third floor at Grayshott Apartments, No.4, Bishop Garden Extension,



Raja Annamalaipuram, Chennai – 600 028.

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(2) That the plaintiffs herein, their relatives guests, servants, men or service personnel shall be entitled to free ingress and egress to their flat K-301 on the 3rd floor Grayshott Apartments No.4, Bishop Garden Extension, Raja Annamalai Puram, Chennai 600 028.

(3) That the plaintiffs and anyone claiming under them or acting on their behalf shall not use the Apartment, morefully set out in the schedule hereunder for any commercial purpose unless permitted by the local laws.

(4) That the defendants 5 & 6 herein, be and are hereby given up and this suit in C.S.No. 788/2018 as against them be and hereby is dismissed.

(5) That the claim for damages claimed as against the defendants herein, be and is hereby given up.

(6) That the suit be and hereby is dismissed as against other reliefs.

(7) That O.A.Nos.1096, 1098 & 1099 of 2018 and A.No.2133 of 2018 do stand closed.

(8) That there shall be no costs of this suit.

(Memo of compromise)



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05.08.2021

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C.S.No.788 of 2018
&
O.A.Nos.1096, 1098 & 1099 of 2018
&
A.No.2133 of 2020

ORDER

DATED : 16.07.2021

THE HON'BLE MR.JUSTICE
N.SESHASAYEE

FOR APPROVAL: 28/12/2021

APPROVED ON : 20/01/2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM : JUSTICE N.SESHASAYEE

C.S.No.788 of 2018
& O.A.Nos.1096, 1098 & 1099 of 2018
& A.No.2133 of 2020

1.Keswariall Bolah
2.Mrs.Sewrani Bolah

... Plaintiffs

Vs.

1.M/s.Grayshott Owners Association,
Represented by its President,
Major K.S.Mani,
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai 600 028.

2.M/s.Grayshott Owners Association,
Represented by its Secretary,
D.Ramesh,
No.4, Bishop Garden Extension,
Raja Annamalaipuram,
Chennai 600 028.

3.K.Shanmugam
4.T.Soundararajan
5.Nirupa Vishwanath
6.Ashwin Ravindranath
7.Haja Mohideen
8.B.M.Chandrasekhar

... Defendants



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PRAYER : Civil Suit filed under Order IV Rule 1 of the O.S.Rules read with Order VII Rule 1 C.P.C, 1908:

- A) Directing the Defendants jointly and severally to pay to the plaintiffs a sum of Rs.1,00,00,000/- (Rupees One Crore only) towards damages for loss of reputation, mental agony, physical strain and stress suffered by them at the hands of the Defendants on account of their actions, deeds and things in relation to the Flat bearing No.K-301 in the Third Floor “K” Block, “ Greyshott Apartments”, more fully described in the Schedule “A” to the Plaint,
- B) For a Permanent injunction restraining the Defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them from in any manner interfering with the Plaintiffs' peaceful possession and enjoyment of their Flat including the free ingress and egress through the main door as well as the newly fixed door at Flat bearing No.K-301 in the Third Floor “K” Block, “Greyshott Apartments”, more fully described in Schedule “A” to the plaint;
- C) For a Permanent Injunction restraining the Defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them from in any manner interfering with the right of the Plaintiffs to attend to repairs, Plastering, Patti work, painting, Polishing, fixing of wash basin in the Wash Room and other



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incidental work to be accomplished through the Plaintiffs' Civil Engineer and his workmen, as per Schedule “B” to the plaint, except in accordance with law;

D) For a Permanent Injunction restraining the Defendants, their agents, servants, men or anyone claiming under or through them and/or authorised by them from in any manner interfering with the plaintiffs' relatives, guests, servants, men, service personnel etc. from visiting their Flat bearing No.K-301 in the Third Floor “K” Block, “Greystott Apartments”, more fully described in Schedule “A” to the plaint, except in accordance with law;

E) For such further or other reliefs;

F) Costs of the suit.

For Plaintiffs : Mr.R.Thiagarajan

For Defendants
1 to 3, 7 and 8 : Ms.R.Ramya

JUDGMENT

The learned counsel appearing for both sides have logged in.

2.A Joint memo of compromise was filed and the learned counsel appearing for the plaintiffs and the defendants 1 to 3, 7 and 8 agreed with the terms of the Joint memo of compromise.



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3. The Joint memo of compromise is recorded and the Registry is directed to prepare a decree in terms of the Joint memo of compromise. The suit is accordingly disposed of. No costs. Consequently, the connected applications are closed.

Sd./- N.S.S.J.,

16/07/2021

//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.