



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 07th DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELUMURUGAN

O.A.Nos.121 and 122 of 2022

in

Tr.C.S.No.31 of 2022

Mrs.Rajalakshmi Selvarangan,
W/o.Late Dr.A.B.Selvarangan,
C-37, Seventh Street,
Anna Nagar East, Chennai 600 102.

...Applicant/Plaintiff
(in both Original Applications)

-Versus-

1. Ms. S.Sahana,
D/o. Dr.S.Selvakumar,
No.51 New No.9 E Block, Third Street
Anna Nagar East,
Chennai 600 102

2. Mr. S.Siddarth,
S/o. Dr.S.Selvakumar,
No.51 New No.9 E Block, Third Street
Anna Nagar East,
Chennai 600 102

3. Ms. B.Sudisha,
D/o. S.Balasubramani
C-37 7th Street Anna Nagar
Chennai 600 102.

4. Ms. B.Meghana
D/o. S.Balasubramani
C-37 7th Street Anna Nagar
Chennai 600 102.



7. Thanigaiarasu,
First Floor, Flat No. 1B
No. 129 Harington Road,
Chetpet, Chennai 600 030

8. Senguttuvan
Second Floor, Flat No.2A
No. 129 Harington Road,
Chetpet, Chennai 600 030

9. Mahaboob Bahsha
Second Floor, Flat No.2B,
No. 129 Harington Road,
Chetpet, Chennai 600 030

10. Abraham Varghse
Second Floor, Flat No.2C,
No. 129 Harington Road,
Chetpet Chennai 600 030

11. Subbu
Third Floor, Flat No.3A
No. 129 Harington Road,
Chetpet Chennai 600 030

12. A.P.Hemavathi
Third Floor, Flat No.3B
No. 129 Harington Road,
Chetpet Chennai 600 030



No. 129 Harington Road,
Chetpet Chennai 600 030

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...Respondents/Defendants
(in both Original Applications)

O.A.No. 121 of 2022 :-

Original Application praying that this Hon'ble Court be pleased to grant an ad interim Injunction restraining the 1st to 4th Respondents, their respective heirs, successors – in – interest, representative / agents and / or any men under them from collecting the lease rentals with regard to the Said Property pending disposal of the Suit.

O.A.No. 122 of 2022 :-

Original Application praying that this Hon'ble Court be pleased to grant Interim mandatory injunction directing the 5 to 13 Respondents to deposit their rent of the petition schedule property to the credit in the suit pending disposal of the Suit.

These Original Applications coming on this day before this court for hearing in the presence of Mrs.Chitra Sampath, Senior Counsel for M/s D.R.Raghunath, Advocates for the Applicant in both applications, and Mr.Avinash Wadhvani, Advocate for the respondents 1 and 2, and Mr.Sunny Sheen Akkara, for Mr.Sachin Vijay, Advocates for the respondents 3 and 4 in both applications, and upon reading the Judge's Summons and the Affidavit of Rajalakshmi Selvarangan filed in



respondents 1 to 4 cannot claim as a matter of rights, since the respondents 1 to 4 are the beneficiaries under the settlement deeds only after the lifetime of the applicant/plaintiff, and the respondents 5 to 13 have also no objection in depositing the rent before this court, it is ordered as follows:

That the 1.S.Sahana, 2.S.Siddarth, 3.B.Sudisha, and 4.B.Meghana, the Respondents 1 to 4 in O.A.No.121 of 2022, their respective heirs, successors – in – interest, representative / agents and / or any men under them be and are hereby restrained by an order of interim injunction from collecting the lease rentals with regard to the Suit Property morefully setout in the schedule hereunder.

2. That the respondents 5 to 13 in O.A.No.122 of 2022, be and are hereby directed to deposit their respective rents before this Court on or before 5th of every month to the credit of the above suit in Tr.C.S.No.31 of 2022 including arrears, if any, till the disposal of the above suit.

3. That the defendants herein who have not filed written statement in all the connected suits, be and are hereby directed to file their written statements within a week.

4. That the O.A.Nos.121 and 122 of 2022 in Tr.C.S.No.31 of 2022 along with batch cases be posted on 19.04.2022.

SCHEDULE



KY & MU
11.04.2022
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O.A.Nos.121 and 122 of 2022
in
Tr.C.S.No.31 of 2022

ORDER

DATED :07.04.2022

THE HON'BLE MR. JUSTICE
P.VELMURUGAN

FOR APPROVAL: 11.04.2022

APPROVED ON: 11.04.2022

Copy to:-

1. The Registrar General,
High Court, Madras-104.
2. Accounts Section.



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(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 07th DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELUMURUGAN

O.A.Nos.121 and 122 of 2022

in

Tr.C.S.No.31 of 2022

Mrs.Rajalakshmi Selvarangan,
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C-37, Seventh Street,
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...Applicant/Plaintiff
(in both Original Applications)

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D/o. S.Balasubramani
C-37 7th Street Anna Nagar
Chennai 600 102.

4. Ms. B.Meghana
D/o. S.Balasubramani
C-37 7th Street Anna Nagar
Chennai 600 102.



5. M/s. VAYA Life Private Limited, Represented
by its Director Mr. Vasanthakumar Sripathy,
Ground Floor No. 129 Harington Road,
Chetpet, Chennai 600 030

6. K.P.Ramakrishna
First Floor, Flat No.1A
No. 129 Harington Road,
Chetpet, Chennai 600 030

7. Thanigaiarasu,
First Floor, Flat No. 1B
No. 129 Harington Road,
Chetpet, Chennai 600 030

8. Senguttuvan
Second Floor, Flat No.2B,
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9. Mahaboob Bahsha
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12. A.P.Hemavathi
Third Floor, Flat No.3B
No. 129 Harington Road,
Chetpet Chennai 600 030

13. C.Lalitha



Third Floor, Flat No.3C
No. 129 Harington Road,
Chetpet Chennai 600 030

...Respondents/Defendants
(in both Original Applications)

O.A.No. 121 of 2022 :-

Original Application praying that this Hon'ble Court be pleased to grant an ad interim Injunction restraining the 1st to 4th Respondents, their respective heirs, successors – in – interest, representative / agents and / or any men under them from collecting the lease rentals with regard to the Said Property pending disposal of the Suit.

O.A.No. 122 of 2022 :-

Original Application praying that this Hon'ble Court be pleased to grant Interim mandatory injunction directing the 5 to 13 Respondents to deposit their rent of the petition schedule property to the credit in the suit pending disposal of the Suit.

These Applications coming on this day before this Court for hearing the Court made the following orders:-

The application in A.No.121 of 2022 has been filed by the plaintiff seeking injunction restraining the respondents 1 to 5, their respective heirs, successors in interest, representative/agents and/or any man under them from collecting the lease rentals with regard to the said property pending disposal of the above suit. The application in A.No.122 of 2022 has



been filed by the plaintiff seeking mandatory injunction directing the respondents 5 to 13 to deposit their rent of the petition schedule property to the credit of the suit pending disposal of the above suit.

2 Mrs.C.Chitra Sampath, learned Senior Counsel appearing for the applicant/plaintiff would submit that the suit property originally belongs to the father in law of the applicant/plaintiff in terms of sale deed dated 29.11.1946 registered as Document No.2554/1946 in the office of the Sub-Registrar, Periamet, Chennai, who died intestate on 07.08.1963 leaving behind his wife, three daughters viz. Duraikannu Ammal, Rajalakshmi, Vasanthalakshmi and three sons viz. Janardhanam, Dr.A.B.Selvarangan (husband of the applicant/plaintiff) and Srinivasan as legal heirs and each of them are entitled to 1/7th share in the suit property. By a release deed dated 01.11.1963, the wife and daughters released and relinquished their 4/7th share in the suit property. One of the sons Janardhanam died intestate in the year 1973 and his legal heirs by a release deed dated 22.07.1982 released and relinquished their shares in the suit property and by a release deed dated 11.09.1987, released and relinquished his share in the suit property. Thus, Dr.A.B.Selvarangan, the deceased husband of the applicant/plaintiff and his family members became absolute owners of the suit properties. The said Dr.A.B.Selvarangan has constructed a multi storied building and let out the same for rent. The respondents 5 to



13 are the present tenants in the suit property. Further, during the lifetime of the said Dr.A.B.Selvaranga, by settlement deeds he had settled the properties to his grand children viz. the respondents 1 to 4, but retaining the life interest on his own and his wife the applicant/plaintiff.

3 Learned Senior Counsel would further submit that while that being so, the respondents 1 to 4 in collusion with the younger son of the applicant/plaintiff collecting the rents from the respondents 5 to 13, which is illegal, since life interest has been given to the applicant/plaintiff and after her lifetime only, the respondents 1 to 4 are entitled to receive the rents as per the settlement deeds. Therefore it is necessary to restrain the respondents 1 to 4 from collecting the interest from the respondents 5 to 13.

4 Further the learned Senior Counsel would submit that in order to protect the interest of the applicant/plaintiff, the rents may be directed to be deposited to the credit of the above suit, till the disposal of the suit.

5 Learned counsel appearing for the respondents 1 to 4 would submit that during the lifetime of Dr.A.B.Selvarangan himself the younger son Balasubramani only collecting the rents and after the demise of the said Dr.A.B.Selvarangan, the Balasubramani father of the respondents 3 and 4 are collecting the rents. The applicant/plaintiff with the ill-advice of

the elder son Dr.S.Selvakumar has instituted the present suit. Therefore the



present application is liable to be dismissed.

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Heard the learned Senior Counsel appearing for the applicant/plaintiff and the learned counsel for the respondents 1 to 4 and perused the materials available on record.

7

It is seen that the applicant plaintiff claiming right under the settlement deeds and the respondents 1 to 4 are also claiming their rights to collect the rents under the same settlement deeds. Admittedly there are settlement deeds and further, during the lifetime of the said Dr.A.B.Selvaranga, husband of the applicant/plaintiff, by settlement deeds he had settled the properties to his grand children viz. the respondents 1 to 4, but retained the life interest on his own and his wife the applicant/plaintiff. Therefore, when the undisputed settlement deeds are very clear that during the life time of the settlor and his wife the applicant/plaintiff, they are entitled to collect the rents from the said properties and after the life of the applicant/plaintiff only the respondents 1 to 4 are entitled to claim their right under the settlement deeds and therefore, the respondents 1 to 4 cannot claim as a matter of rights, since the respondents 1 to 4 are the beneficiaries under the settlement deeds only after the lifetime of the applicant/plaintiff.

8

In view of the above, the above applications are allowed and there shall be an order of interim injunction as prayed for in the



application in A.No.121 of 2022 in Tr.C.S.No.31 of 2022. Further the respondents 5 to 13 have also no objection in depositing the rent before this Court and therefore, the respondents 5 to 13 are directed to deposit their respective rents before this Court on or before 5th of every month to the credit of the above suit in Tr.C.S.No.31 of 2022 including arrears, if any, till the disposal of the above suit.

9 The defendants, who have not filed written statement in all the suits, are directed to file their written statement within a week.

Post the batch on 19.04.2022.

Sd./- P.V.J
07.04.2022

//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.