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CRP.(PD).No.915/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP.(PD)No.915 of 2019

CMP.No.5958 of 2019

1.V.Ramalingam
2.J. Krishna Kumar

...Petitioners

Vs

1.K.S.Sundaram
2.M/s.Tambaraparni Metal Printers Private Limited.
Rep.by its Managing Director, Mr. K.S. Sundaram
Having its Registered Office at
19, Mudaliappapuram Street
Kallidaikurichi – 627 416.

3.M/s. Tambaraparni Containers Pvt Ltd.
Rep.by its Managing Director, Mr. K.S. Sundaram
Having its Registered Office at
53, Kasturi Rangan Road
Chennai – 600 018.

...Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside order dated 18.12.2018 made in C.M.A No.3 of 2017, on the file of the Principal Sub-Judge at Puducherry,



CRP.(PD).No.915/2022

confirming the order and decretal order dated 03.02.2017, passed in I.A.No.804 of 2015 in O.S.No.2231 of 2015 on the file of the I Additional District Munsif at Puducherry.

For Petitioners : Ms.Vasudha Thiagarajan
For Respondents : Mr.Niranjana Rajagopalan
for G.R.Associates

ORDER

The present Revision is taken out by the defendants in O.S.No.2231 of 2015 on the file of the First Additional District Munsif Court, Puducherry. The challenge herein is to an order of interim injunction passed by the trial Court in I.A.No. 804 of 2015 and confirmed by the Sub Court in C.M.A.No.3 of 2017. The Revision is directed against the said order.

2.The learned counsel for the revision petitioner submitted that apart from the present litigation, there is another litigation which the revision petitioner herein has instituted before this Court in C.S.No.374 of 2016 for specific performance and for other allied relief. The cause of action for the suit is based on certain Joint Development Agreement which the revision petitioners



herein have entered into with the respondents, who are the owners of the property in question. In C.S.No.374 of 2016, the respondents have made a counter claim. This Court Vide its Judgement dated 28.02.2020, has dismissed both the C.S. No.374 of 2016 and the counter claim raised by the respondents. Challenging the said decree, the Revision Petitioners have filed O.S.A.No.182 of 2020 in which the respondents have raised cross objection.

3.The learned counsel also added that before the Division Bench in the aforesaid intra Court appeal, an undertaking was given by the respondents that they will not encumber, alienate or alter the physical features of the property pending disposal of the suit and the said statement of the respondents came to be recorded by the Division Bench in its order dated 04.11.2020.

4.In view of the said development, this Court does not consider it necessary to pass any order in this Revision, since the petitioners' interest is adequately protected by the aforesaid order of the Division Bench.



WEB COPY



CRP.(PD).No.915/2022

N.SESHASAYEE, J.,

Tsg/dk

5.The Civil Revision petition is closed. Consequently, connected miscellaneous petition C.M.P.No.5958 of 2019 is closed. No costs.

09.03.2022

Index : Yes/No
Speaking Order/Non Speaking Order
Tsg/dk

To

1.The Principal Sub-Judge,

Puducherry.

2.The I Additional District Munsif,

Puducherry.

CRP.(PD)No.915 of 2022



WEB COPY



CRP.(PD).No.915/2022

09.03.2022