



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE S.S.SUNDAR

CMP.No.7276 of 2022

in SA.No.134 of 2022

1 G.RAJARAMAN [PETITIONERS]

2 S.PRABAVATHY

3 A.SUDHA

Vs

P KANNAMMAL (DECEASED) [RESPONDENTS]

1 MUNIAMMAL

2 G.RAJENDRAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased To grant an order of interim injunction, restraining the respondents, their agents, their servants and every one claiming under them and acting on their behalf from in any way interfering with the petitioners/appellants peaceful possession and enjoyment of the suit property forming subject matter of OS.No.1106 of 2003 on the file of IV Assistant, City Civil Court at Chennai (in CMP.No.7276 of 2022) pending disposal of the above SA.No.134 of 2022.

SCHEDULE OF PROPERTY XEROX COPY ATTACHED

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T.V.RAMANUJAM, Senior Counsel for the petitioners and of MR.A.MANOJ KUMAR, Advocate for the 1st Respondent, the court made the following order:-



WEB COPY

This Civil Miscellaneous Petition is filed to grant an order of interim injunction, restraining the respondents, their agents, their servants and every one claiming under them and acting on their behalf from in any way interfering with the petitioners'/appellants' peaceful possession and enjoyment of the suit property forming subject matter of O.S.No.1106/2003 on the file of the IV Assistant, City Civil Court at Chennai, pending disposal. This Court is convinced that the findings of the Lower Appellate Court with regard to title and the genuinenesses of Sale Deeds are erroneous and perverse. It is the specific case of the petitioners that there was an agreement between respondents 1 and 2 along with others in respect of the suit property for a sale consideration of Rs.8,40,000/- and the respondents have executed a general Power of Attorney and received the entire sale consideration of Rs.8,40,000/-. Hence it is stated that the Power of Attorney Deed is coupled with the interest. It is further stated that respondents 1 and 2 have received the entire sale consideration of Rs.8,40,000/- and executed Power of Attorney Deed and possession was also handed over to the petitioners. Apart from executing the registered Power of Attorney Deed on 15.07.1994, it is stated that the 1st petitioner had executed six Sale Deeds in favour of himself and his family members which are marked as Exs.P-1 to P-6 in the suit. It is admitted that the petitioners have applied for sub division and approval for building plan for putting up construction in the suit property on the basis of Power of Attorney Deed. It is not in dispute that 'L' shaped construction exists in the suit property even when the suit was filed. The suit is filed as the respondents have raised some dispute in respect of vacant land which was left by plaintiff as side set back as per the original plan on the northern and western sides. It is the grievance of the petitioners that on the basis of the judgment and decree of the Lower Appellate Court, the respondents are now trying to interfere with the possession and enjoyment of the suit property. It is further stated by the learned senior counsel that the respondents who have not raised any objections with regard to the vacant land available on the southern side is now threatening the tenant to vacate the property on the basis of the judgment and decree of the Lower Appellate Court. This Court is convinced that the petitioners are entitled to protect their right and possession by way of interim order.

2.Learned counsel appearing for the respondents however, tried to mislead this Court by submitting that the Power of Attorney Deed was only in respect of an extent of 2970 sq.ft. out of the total extent of 3420 sq.ft. It is further stated that the subsequent Sale Deeds are fraudulent as the Power of Attorney Agent had not accounted to the principal. From the arguments of the learned counsel appearing for the respondents, it is seen that the 1st respondent's counsel is convinced that the petitioners are not entitled to be in possession in view of the judgment and decree of the Lower Appellate Court



dismissing the suit for declaration of title and consequential reliefs. Therefore, the apprehensions expressed by the petitioners appears to be real and the threat shown by the respondents is also imminent. In this circumstances, the petitioner is entitled to preserve *status quo* and protect his possession during the pendency of the appeal. Therefore this Court is inclined to **grant interim order as prayed for and this application is allowed.**

-sd/-

28/04/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE IV ASSISTANT JUDGE,
CITY CIVIL COURT, CHENNAI.

2 THE XVII ADDITIONAL JUDGE,
CITY CIVIL COURT, CHENNAI.

C.C. To MR.V.P.RAJU, Advocate SR.NO.3628/2022

Order

in
CMP.No.7276 of 2022

in SA.No.134 of 2022

Date :28/04/2022

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