

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 09TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.A.No.334 of 2021

and

A.No.1831 of 2016

in

C.S.No.198 of 2016

Rajah Muthiah Chettiar Charitable and
Educational Trust

Represented by its Trustee

RM.Palaniappan

Rani Seethai Hall Building

No.603, Anna Salai,

Chennai 600 006.

: Applicant/Plaintiff
(in A.No.1831 of 2021)

-Versus-

1. Kumararajah Muthiah School of Traditional Arts
and Crafts

A Public Charitable Society

Rep.by its Secretary

Kumararani Meena Muthiah

"Chettinad House"

Raja Annamalaipuram, Chennai 600 028.

2. Kumararani Meena Muthiah

W/o. Late Kumararajah Muthiah

Chettinad House, Raja Annamalaipuram

Chennai 600 028.

3. Chettinad Logistics Private Limited,

Rep.by its Director

Rani Seethai Hall Building

No.603, Anna Salai, Chennai 600 006.

: Respondents/Defendants
(in A.No.1831 of 2021)

A.No.1831 of 2016

Application praying that this Hon'ble Court be pleased to grant an order of interim direction directing the 1st respondent to deposit a sum of Rs.2 crores per month into the credit of the aforesaid suit for the use and occupation of the petition schedule mentioned property pending disposal of the above suit.

O.A.No.334 of 2021

1. Kumararajah Muthiah School of Traditional Arts
and Crafts
A Public Charitable Society
Rep.by its Secretary
Kumararani Meena Muthiah
"Chettinad House"
Raja Annamalaipuram, Chennai 600 028.

2. Kumararani Meena Muthiah
W/o. Late Kumararajah Muthiah
Chettinad House, Raja Annamalaipuram
Chennai 600 028.

...Applicants/Defendants 1 and 2

-vs-

1. Rajah Muthiah Chettiar Charitable and
Educational Trust
Represented by its Trustee
RM.Palaniappan
Rani Seethai Hall Building
No.603, Anna Salai,
Chennai 600 006.

2. Chettinad Logistics Private Limited,

Rep.by its Director
Rani Seethai Hall Building
No.603, Anna Salai, Chennai 600 006

...Respondents/Plaintiff-3rd defendant

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the Respondents herein, their men, servants or anyone claiming under them from in any manner putting up any constructions in the property morefully described in Schedule C hereunder which is part of schedule A hereunder, pending disposal of the suit in CS.No.198 of 2016.

These Applications along with the O.A.No.412 of 2021 in C.S.No.223 of 2021 having been heard on 20.01.2022 in the presence of Mr.M.S.Krishnan, Senior Counsel for Mr.M.Praveenkumar, Advocates for the Applicant in A.No.1831 of 2016 and for the 1st respondent in O.A.No.334 of 2021 and Mrs.Chitra Sampath, Senior Counsel for M/s.AL.Ganthimathi, Advocates for the respondents 1 & 2 in A.No.1831 of 2016 and for the applicant in O.A.No.334 of 2016 and Mr.T.Mohan, Senior Counsel for Mr.Abinav Parthasarathy Advocate for the 3rd respondent in A.No.1831 of 2016 and for the 2nd respondent in O.A.No.334 of 2021 and upon reading the Judges Summons and the Affidavit of RM.Palaniappan filed in A.No.1831 of 2016 and the Judges Summons and the Affidavit of Kumararani Meena Muthiah filed in O.A.No.334 of 2021 and having stood over for consideration till this date and coming on this day before this Court

for orders in the presence of said advocates for the parties hereto and this Court having observed that when no such evidence is produced, this Court is of the considered view that no prima facie case has been made out by the plaintiff in C.S.No.223 of 2021 and the 6th defendant Society /applicants in O.A.No.334 of 2021 for the grant of any interim injunction in their favour in respect of the suit C schedule property and the plaintiff trust in C.S.No.198 of 2016 admits only the possession of suit B schedule property by the sixth defendant Society in C.S.No.223 of 2021 / applicant in O.A.No.334 of 2021 which is running the school Chettinad Vidhyasharam and manage by the plaintiff in C.S.No.223 of 2021 and the relief sought for in O.A.No.334 of 2021 in CS.No.198 of 2016 and O.A.No.412 of 2021 in CS.No.223 of 2021 cannot be granted at the interlocutory stage, as evidence placed on record by the plaintiff in CS.No.223 of 2021 /and the 6th defendant Society / applicant in O.A.No.334 of 2021 does not deserve any merit for the grant of interim injunction as prayed for in these applications and A.No.1831 of 2016 has to be dismissed as there is lack of evidence in support of the claim for mesne profits produced by the PARTIES DISPUTING THE LEASE, dated 29.10.2015, the payment of mesne profits can be adjudicated only after trial and not at this stage that too when there is no concrete evidence for payment of mesne profits produced by the parties PARTIES DISPUTING THE LEASE, dated 29.10.2015, and this Court

does not find any merit in any of there interlocutory applications,

It is ordered as follows:-

That these O.A.Nos.334 of 2021 and A.No.1831 of 2016, be and are hereby dismissed.

2. That it is made clear that the observations made by this Court in this common order shall not have any bearing in the adjudication of the main suits, namely, C.S.No.198 of 2016 and C.S.No.223 of 2021 as the views expressed by this Court can be overturned if the “PARTIES AFFIRMING THE LEASE”, dated 29.10.2015 are able to prove their contentions after trial.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI ACTING CHIEF JUSTICE, THE HIGH COURT AT MADRAS AFORESAID, THIS THE 09th DAY OF FRBRUARY 2022.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//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.

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27.04.2022

O.A.No. 334 of 2021
and
A.No.1831 of 2016
in
C.S.No.198 of 2016

ORDER

DATED: 09.02.2022

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 28.04.2022

APPROVED ON: 28.04.2022