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O.A.No.869 of 2023

in

C.S.No.730 of 2019

N.SATHISH KUMAR.J.,

This Original Application was filed by the defendants 1 to 3 seeking interim injunction restraining the 1st respondent/plaintiff and 2nd respondents/4th defendant and their men, agents, servants, representatives, subordinates, legal heirs, successors-in-title, etc., or any person claiming through them or anybody acting under them from putting up any construction dealing, alienating, encumbering, creating third party rights, in the suit schedule II and III mentioned properties, more fully described in the schedule hereunder pending disposal of the suit.

2. This Original Application was disposed of by this court by order dated 18.10.2023 by granting an order of *status quo*. The order of this court reads as under:-

“It is stated by the learned counsel appearing for the applicant/plaintiff that the second and fourth respondents, who remained *ex parte* in the suit are attempting to put up constructions in the suit property.

2. The learned counsel appearing for the first respondent/first defendant would submit that they are not putting up any construction. Their submission is recorded.



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3. Considering the submission of the learned counsel appearing for the plaintiff, the parties shall maintain status quo and there shall not be any additional construction till the disposal of the suit.

With the above direction, this application is closed.”

3. This matter is taken up by consent on being mentioned by either party though not listed.

4. It is pointed out by the learned counsel for the applicant/plaintiff that this court passed an order directing the parties to maintain status quo and not to put up any additional construction till the disposal of the suit. The application was filed only in respect of suit schedule II & III alone, however, while drafting decretal order, a mistake has been crept in and the Registry has inadvertently included all the schedule of properties mentioned in the plaint. Further, the application was filed only as against the plaintiff and the 4th defendant, however, the decretal order mentions in general as “parties” and the decretal order should be restricted to only as against the plaintiff and the 4th defendant.

5. Heard both sides.

6. It is needless to state that decree / decretal order cannot add or subtract any relief except what has been provided in the judgement / order. This



court finds justification in the submission made by the learned counsel for the plaintiff. Therefore, the mistake crept in in the decretal order is required to be rectified suitably in terms of the application and the order of this court dated 18.10.2023.

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Note: The Registry is directed to redraft/rectify the mistake crept in in the decretal order.



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