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CRP.No.1075 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1075 of 2019

M/s.Olympia Cyber Space Pvt.Ltd.,
Having its registered Office at
No.617, New No.418
Bharath Kumar Bhavan
Anna Salai
Chennai 600 006
Rep.by its Authorized Signatory.

... Petitioner

Vs.

- 1.K.Renuka
- 2.K.Gopalakrishnan (Died)
- 3.K.Srinivasan
- 4.The Standard Batteries Ltd
"Rustom Court"
Opp.Podar Hospital
Dr.A.B.Road, Worli
Mumbai 400 030.
- 5.M/s.Exide Industries Ltd.,
3rd Floor, Navins Presidium
No.103, Nelson Manickam Road
Aminjikarai, Chennai.



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6.Preethi

7.G.Rajesh

8.G.Satheesh

9.Abinitha

(2nd respondent died, respondents 6 to 9
are brought on record as LR's of the
deceased second respondent viz.,
K.Gopalakrishnan vide Court
order dated 21.09.2023 made in
CMP.Nos.20574 to 20576/2023
in CRP.No.1075 of 2019)

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the petition and order dated 01.11.2018 of the learned XIII Assistant Judge, City Civil Court, Chennai, in I.A.No.13697 of 2018 in OS.No.5749 of 2018 and allow the revision.

For Petitioner : Ms.Al.Gandhimathi
Senior Counsel
for Mr.Palanimuthu.L

For Respondents : Mr.T.P.Sekar for R1
R2-Died
R3 to R9 -served-No appearance

ORDER

This Civil Revision Petition is filed by the third party to the suit aggrieved by the order granting exparte status-quo in an application filed by



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the first respondent seeking interim injunction restraining the respondents 4 & 5/defendants 3 & 4 from or any persons intermedaling the "Samadhi" or from dealing with the suit property either by way of sale, mortgage, transfer, pledge or security or in any way of dealing with the property.

2. The Court below by the order dated 01.11.2018 granted status-quo order and issued notice to the respondents.

3. The learned Senior Counsel for the petitioner submitted that the petitioner herein purchased the suit property from the fifth respondent on 24.08.2018. Therefore, the interim order granted by the Court below will affect the rights of the petitioner in capacity as person claiming under the fifth respondent.

4. It is also seen from the records that this Court at the time of entertaining the relief granted the interim stay of the status-quo order passed by the Court below and the said order continuous till today. It is also stated that the petitioner herein filed an application for impleading as party in the



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suit as well as the interlocutory application and the same is pending in

WEB C **I.A.SR.Nos.2829 & 2830 of 2024.**

5. It is also brought to the notice of this Court that pending revision, the second respondent died and his legal representatives were brought on record as respondents 6 to 9 in this revision. It is also submitted that the respondents 6 to 9 were already impleaded in the suit.

6. A perusal of the impugned order passed by the Court below dated 01.11.2018 would indicate that at the time of granting status-quo order, the Court below has not given any reason for granting interim order. In these circumstances, the impugned order passed by the Court below, being a non speaking order, is liable to be set aside and accordingly, the Civil Revision Petition is allowed by setting aside the order dated 01.11.2018 passed in IA.No.13697 of 2018. Further, the Court below is directed to take up the petition filed by the revision petitioner for impleading and after disposal of the same, IA.No.13697 of 2018 shall be taken up and final order shall be passed on merits.



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7. The Court below is directed to number the impleading application and dispose of the same within a period of three weeks from today and thereafter, take up IA.No.13697 of 2018 and dispose of it on merits and in accordance with law, after affording an opportunity to all the parties.

8. With the above observation, this Civil Revision Petition is allowed. No costs.

10.01.2024
(2/2)

Index : Yes / No
Internet : Yes / No
dna

To

The XIII Assistant Judge, City Civil Court, Chennai.



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S.SOUNTHAR, J.

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