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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM:

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

O.A. No. 484 of 2024

in

T.r.C.S. No. 362 of 2012

V.Sathyabama (Deceased) and Others.

...Applicants 1 to
6/ Plaintiffs 4 to 9

..Vs..

S.Anjali Devi and Others
18/

...Respondents 1 to

Defendants 1 to 5 & 7 to 19

Prayer: Application under Order XIV Rule 8 of the Original Side r/w Order XXXIX Rule 1 of CPC, praying to grant an Order of injunction restraining the Respondents 1 to 4/Defendants 1 to 4 and their men or agent or agents or any person or persons claiming rights or acting under them from further demolishing the Petition Schedule Suit Property pending the disposal of the above suit.

For Applicants : Mr. S.G.Ramesh Cumar
For Respondents : Mrs.Auxilia Peter



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ORDER

This application has been filed to grant an Order of injunction restraining the Respondents 1 to 4/Defendants 1 to 4 and their men or agent or agents or any person or persons claiming rights or acting under them from further demolishing the Petition Schedule Suit Property pending the disposal of the above suit.

2. The learned counsel for the applicants submits that the deceased applicants' mother has filed the above Suit against the Respondents/Defendants praying for a decree and judgment to pass a Preliminary Decree declaring that the Plaintiff is entitled to 1/5th share in the Suit schedule property. Regarding the plaint schedule property, while three suits are pending before this Court for adjudication, the Respondents 1 to 4/Defendants 1 to 4 have no right to demolish the Suit Schedule Property.

3.It has been further submitted that the Respondents 1 to



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4/Defendants 1 to 4 have scant respect for the Court of Law and have started the illegal demolition without any orders from this Court to alter the status for the Suit Schedule Property so as to defraud the mesne profits. The applicants would be put to irreparable loss and damage, if the Respondents 1 to 4/Defendants 1 to 4 are not enjoined from further demolishing the Suit Schedule property pending the disposal of the above Suit. On the contrary no prejudice would be caused if the Respondents 1 to 4/Defendants 1 to 4 are enjoined from further demolishing the Suit Schedule Property. Hence, he prays the relief as sought for in the application.

4. The learned counsel for the respondents submits that the trees in the premises protruded into the walls and so the damaged walls have fallen in many places and posed great danger to family members who were living there. As the Petitioners/Plaintiffs have no iota of right in the property, they are dragging the trial proceedings. As regards the police complaint, after inspection, the police found that the walls were posing dangerous to the respondents and understood that the complaint is not true and did not proceed with the complaint. Hence, the application is liable to be dismissed.



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5. Heard both sides and perused the materials available on record.

6. On perusal of the records, it is seen that as regards the suit schedule property, three suits are pending before this Court. During the pendency of these suits, the respondents 1-4/defendants 1-4 are alleged to have demolished the portions contained in the suit schedule property to alter the status of the same without permission of this Court which can be seen from the photographs. In this regard, the applicants have also lodged the complaint against them before the E4, Royapettah Police Station on 04.05.2024 in C.S.R. No.139 of 2024. On perusal of photographs filed by both the parties, it reveals that the portion of the suit schedule property has been demolished. The reasons stated by the Respondents in the counter is not acceptable.

7. Having considered the facts and circumstance of the case and on perusal of the records, this Court is inclined to injunct the respondents 1 to 4/defendants 1 to 4 from further demolishing the suit schedule property



till the disposal of the aforesaid suits.

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8.In the result, the application stands allowed. No costs.

27.11.2024

Index: Yes/No
Speaking/Non-speaking Order

Lbm



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A.A.NAKKIRAN,J

Lbm

**Pre-delivery Order in
O.A. No. 484 of 2024
in
T.r.C.S. No. 362 of 2012**

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