



C.R.P. (MD) No. 1558 and 1589 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) Nos. 1558 and 1589 of 2022

and

C.M.P (MD) Nos. 6707 and 6814 of 2022

C.R.P. (MD) No. 1558 of 2022

K.G.Sivasubramanian

... Petitioner/Plaintiff

-VS-

1.Muthuraja

... ^{1st} Respondent/fourth defendant

2.Saravanan

3.Perumal

... Respondents 2 to 4/

4.Ranjith

Defendants 1 to 3

(Memo dated 01.12.2023 presented before the Court is recorded, to the effect that notice to respondents 2 to 4 is dispensed with, vide common order dated 06.12.2023 made in CRP (MD) Nos.1558 and 1589 of 2022)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 15.06.2022 passed in I.A.No.3 of 2022 in O.S.No.58 of 2022, on the file of the learned District Munsif, Uthamapalayam.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.K.Kevin Karan for R1



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C.R.P. (MD) No. 1589 of 2022

Sai Siva K.G.Sivasubramanian

... Petitioner/Plaintiff

-VS-

1.Saravanan

2.Perumal

3.Ranjith

4.Muthuraja

... Respondents/Defendants

(Memo dated 01.12.2023 presented before the Court is recorded, to the effect that notice to respondents 1 to 3 is dispensed with, vide common order dated 06.12.2023 made in CRP (MD) Nos.1558 and 1589 of 2022)

PRAYER: Civil Revision Petition filed under Article 225 of the Constitution of India, to set aside the fair and decreetal order dated 14.07.2022 passed in I.A.No.4 of 2022 in O.S.No.58 of 2022, on the file of the learned District Munsif, Uthamapalayam.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.K.Kevin Karan for R4

COMMON ORDER

Both the Civil Revision Petitions arise out of the same suit. C.R.P. (MD) No.1558 of 2022 is filed against an order passed in I.A.No.3 of 2022 in O.S.No. 58 of 2022, dated 15.06.2022. By the said order, the interlocutory application filed by the fourth defendant to produce the additional documents under Order



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VIII Rule 3A of the Code of Civil Procedure, 1908, was allowed. Aggrieved by which, the plaintiff has filed the present Civil Revision Petition.

2. In the very same suit, an application was filed by the plaintiff under Order XXVI Rule 9 of CPC, to appoint an Advocate Commissioner to inspect the address mentioned by the fourth defendant and to file a report as to whether the fourth defendant is indulging in cable TV business. The said application is dismissed. Against which, the plaintiff has filed the C.R.P. (MD) No.1589 of 2022.

3. Heard Mr.P.M.Vishnuvarthanan, the learned Counsel appearing on behalf the petitioner and Mr. Kevin Karan, the learned Counsel appearing on behalf of the respondents in the Civil Revision Petitions.

4. When the matter came up for hearing, this Court noted that the plaint itself is filed by arraying four persons as the Defendants. The entire grievance made out in the plaint is that the plaintiff itself is a 'Multiple-System Operator' ('MSO' in short) independently running his own cable TV business in the town of Chinnamanur. While so, succumbing to the pressure of other persons, the defendants are interfering in the business of the plaintiff.



According to the plaintiff, the fourth defendant can get cable TV signals only from the legalized and authorized MSO. It is also further averred in the plaint that the fourth defendant is resorting to illegal action. After making averments about the cable TV business and the necessity to obtain a connection from the MSO, it is averred in paragraphs 10A to 10F and XI of the plaint that the defendants have no regards for any law and through their henchmen, they are resorting to illegal actions. In paragraph 12, it is further averred that the defendants cannot interfere with the peaceful performance of the business by the plaintiff styled 'Sri Sivakami Amman Cable T.V. System'. After making such averments, the following is the relief which is extracted hereunder from the plaint:-

- “(A) Granting permanent injunction restraining the defendants, and their henchmen from in any way disturbing the peaceful possession and enjoyment of the business by plaintiff;
- (B) direct the defendants to pay the cost of this suit;
- (C) and grant such other reliefs as this Honourable Court deems fit and proper and thus render justice.”

5. The suit is resisted by the fourth defendant alone. The other defendants



have already remained *exparte*. As far as the fourth defendant is concerned, it is his case in the written statement that he is an independent cable TV operator and is not doing his business under the plaintiff. It is the specific case that he has got his own control room and he is running his business. He has denied the fact that he is, in any manner, interfering with the business of the plaintiff and his contention is that the plaintiff has got no cause of action at all for the present suit. Even though the Civil Revision Petition arises out of the interlocutory application, it can be seen that if it is the plaintiff's case that the defendant should carry business only under him and even if he pleads that he is entitled for such a direction of specific performance, he has not chosen to pray for such a relief. Secondly, even if it is the case of the plaintiff that except without an agreement with an MSO, the fourth defendant cannot run a cable TV business, he has not chosen to pray for any injunction restraining the fourth defendant from carrying on his business of cable TV. If the plaintiff is any manner aggrieved by the action of the fourth defendant of not entering an agreement as an MSO or that he is carrying on a rival business without any statutory clearances which are mandated under the law, it would be free for him to take such action either before the statutory authorities or by approaching the civil Court itself with appropriate reliefs. But, as far as the present suit is concerned, it is only for a bare injunction restraining the defendants from



interfering with the peaceful enjoyment and conduct of his business. The cause of action, which is alleged is that the defendants are interfering through their henchmen, the same is denied in the written statement. The same is not only denied in the written statement, when the matter came up for arguments, the learned Counsel appearing on behalf of the fourth defendant would make a categorical statement that the fourth defendant had never and in future will not also interfere with the business of the plaintiff through henchmen or through any illegal manner.

6. In view thereof, recording the said statement and in view of the limited prayer which is made in the original suit itself, I deem it fit to dispose of the suit itself on the following terms:-

(i) The undertaking of the fourth defendant that he will not interfere, through henchmen or through any other illegal means, the peaceful possession and enjoyment of the business of the plaintiff is recorded and the suit is decreed accordingly.

(ii) In view of the fact that the suit itself is decreed, there is no necessity to interfere with the orders passed in the interlocutory applications.



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Accordingly, the Civil Revision Petitions are allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

31.07.2024

Index : No
NCC : No
PKN



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D.BHARATHA CHAKRAVARTHY, J.

PKN

To

1. The District Munsif Court, Uthamapalayam.

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