



O.S.A.No. 70 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.07.2025

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

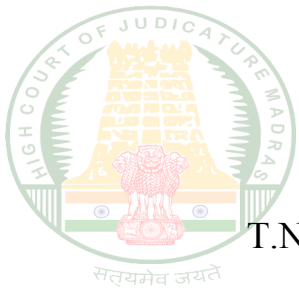
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Vijaya Enterprises
A Registered Partnership Firm
Rep. by its Partner Mr.Sivakumar
No.14, Lynwood Lane, Mahalingapuram,
Nungambakkam,
Chennai – 600 034.

.. Appellant

VS

- 1.Mr.Omprakash Agarwal
Residing at G-1125, 1st Street,
10th Main Road, Anna Nagar West,
Chennai – 600 040.
- 2.Lokka Housing Private Ltd.,
Rep. by its Director Mr.Santhosh Sharma,
Having their Registered Office at
Lokaa House, No.14, 2nd Main Road,
Kannappa Nagar Extension,
Thiruvanmiyur, Chennai – 600 041.
- 3.M/s. AKS Housing Development Company Private Limited,
Rep. by its Managing Director,
Mr.Anand Seshadri,
Having Office at : AKS Dhurva, F-1,
No.12 (Old No.17), Balaji Avenue, 1st Street,



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T.Nagar, Chennai – 600 017.

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4.Mr.V.Kumaravel

.. Respondents

Prayer : Appeal filed under Order XXXVI Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against order dated 16.12.2024 made in Application No. 4242 of 2024 in C.S.No. 201 of 2024.

For Appellant : Mr.R.Pradeep

For Respondents : Mr.K.V.Kartik Subramanian
for R1

JUDGMENT

(Delivered by Dr. ANITA SUMANTH.,J)

Having heard Mr.R.Pradeep, for the appellant and Mr.Kartik Subramanian, appearing for the first respondent, it becomes very clear that this appeal falls within a narrow compass.

2. The appellant states that it has complied with the directions under paragraph 25 of the impugned order, and documents listed in the annexure to the application have been deposited with the Registrar General of this Court within the time stipulated. He is however aggrieved with the observations that figure between paragraphs 20 and 24 on the merits of the matter, since he states that, that would stand in the way of



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an open trial and would plead that those observations should not be taken into consideration in further proceedings.

3. Learned counsel for first respondent would accede to the request.

4. In light of the fact that the parties are consensus ad idem on the issue, it is made clear that trial in C.S.No.201 of 2024 shall proceed unfettered by the weight of the observations, in the impugned order between paragraphs 20 and 25.

5. This Original Side Appeal is closed in terms of this order.
No costs.

[A.S.M., J] [N.S., J]
03.07.2025

Index:Yes/No
Neutral Citation:Yes
ssm

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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and
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