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C.R.P.(PD) Nos.1317 & 1318 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) Nos.1317 & 1318 of 2025
and CMP.Nos.7809 & 7816 of 2025

Abdul Majeed

... Petitioner in both CRPs

Vs.

Abdul Rahman

... Respondent in both CRPs

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 17.10.2024 passed in CMA.No.32 of 2020 & CMA.No.33 of 2020 respectively on the file of XV Additional City Civil Court at Chennai, confirming the order passed in I.A.No.110 of 2017 dated 15.11.2019 in O.S.No.67 of 2017 and I.A.No.111 of 2017 dated 15.11.2019 in O.S.No.67 of 2017 on the file of VII Assistant City Civil Court at Chennai.

For Petitioner : Mr.K.Rajasekaran
(in both cases)



COMMON ORDER

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The defendant in O.S.No.67 of 2019 on the file of City Civil Court is the petitioner before this Court.

2. The suit in O.S.No.67 of 2017 is filed by the plaintiff/respondent for the following reliefs :

- a) for a permanent injunction restraining the defendant from interfering with the plaintiff's and his office bearer's peaceful possession and enjoyment of the common area by locking up the main grill gate in the ground and 2nd floor; and gate in the terrace floor in any manner whatsoever so as to reach the open terrace and have access to the first floor;
- b) for a permanent injunction restraining the defendant, their men, servants and agents from disturbing the enjoyment of the common amenities viz., electricity, water supply, drainage lines, provided to the plaintiff and his tenants' portions in the ground floor and as well as in the first floor;
- c) cost of the suit.

3. The plaintiff and the defendant are the brothers. The suit property originally belonged to their grand father Haji Minna Nooruddin, which later



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came to be inherited by their father Haji Abubacker Ambalam, by partition.

Their father Haji Abubacker Ambalam renovated the superstructure of the said property and it now consists of a row of six shops in the ground floor, 2 residential / commercial portions in the first floor, 2 residential portions in the second floor and a open terrace. Haji Abubacker had 3 sons and one daughter, of whom the second and third sons are the plaintiff and defendant. The plaintiff is in occupation of one shop in the ground floor and the residential portion in the first floor. The defendant also had occupied one shop in the ground floor and the residential portion in second floor. All the children of Haji Abhubacker are tenants in common in the said building and they had a tentative understanding of dividing the property, but due to the sudden death of their mother, the said understanding did not fructify into a registered partition deed. According to the plaintiff, the defendant caused disturbance to his enjoyment of common access of the property and also the common amenities of the properties viz., electricity, water supply, drainage lines etc., Hence the suit was filed.

4. Pending the suit, the plaintiff have filed two applications seeking ad interim injunction viz., I.A.No.110 of 2017 was filed to restrain the revision



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petitioner/defendant from interfering with the petitioner's/plaintiff's peaceful possession and enjoyment of common areas and I.A.No.111 of 2017 was filed to restrain the revision petitioner/defendant from disturbing the petitioner's/plaintiff's enjoyment to common amenities. That apart, the plaintiff in the year 2019, had taken out an application in I.A.No.1 of 2019 to amend the plaint. All these three interlocutory applications were taken up together by the VII Assistant Judge, City Civil Court, Chennai, and after contest, all the three applications came be allowed on 15.11.2019, and the injunction granted was made absolute.

5. Challenging the same, the defendant had filed CMA.Nos.32 of 2020 and CMA.No.33 of 2020 on the file of XV Additional Judge, City Civil Court, Chennai. The learned Appellate Judge confirmed the order passed in the interlocutory applications and dismissed the civil miscellaneous appeals by order dated 17.10.2024.

6. Challenging the dismissal order of the Appellate Court in CMA Nos.32 & 33 of 2020, the present two revisions have been filed by the defendant/revision petitioner.



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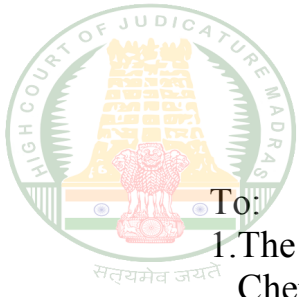
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7. Heard the learned counsel for the petitioner.

8. This Court is informed that the suit is ready for trial. The plaintiff had the benefit of injunction from the date of the suit till date and the defendant has not got the interim orders suspended, pending the revision. Therefore, both the civil revision petitions are dismissed, taking into account the fact that both the Courts below, on appreciation of evidence and arguments, had made the interim orders absolute. Therefore, taking note of the fact that the suit is of the year 2017, directions are issued to the learned Judge, City Civil Court, Chennai, to dispose of the suit within a period of six months. No costs. Consequently, connected miscellaneous petitions are closed.

28.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

1.The Judge, XV Additional City Civil Court
Chennai.

2.The Judge, VII Assistant City Civil Court
Chennai.

3.The Section Officer
VR Section, High Court, Madras.

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P.T. ASHA, J.

ds

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