



A NO. 1728 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A NO. 1728 of 2025

IN

CS NO. 246 OF 2024

Sri Mageswara Matriculation School

Rep.by its Trustee Mr.P.Mageshwaran, S/o A.Palanivelu, HAVING
office at No.9/28, Vinobha Nagar, 6th St., Tondiarpet, Chennai 81

Applicant(s)

Vs

S. Renuka and another

W/o Mr.Selvam, No.29/52, Nethaji Nagar A Street, Tondiarpet,
Chennai - 81. and another

Respondent(s)

For Applicant(s): Mr. Anish Gopi

M/s. P.B. Ramanujam Associates

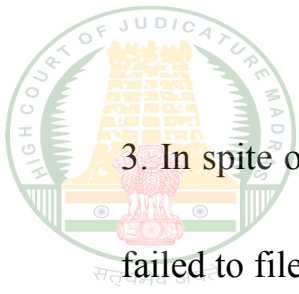
For Respondent(s): Mr.P.Praburam for R1

Mr.Sulhit Anand Palande for R2

ORDER

The present application has been filed to permit the applicant Trust and/or those acting on its behalf to enter upon the property described in the Schedule of property, possess and make use of the same for the purpose of operating a lunch-room for the students and/or staff of the applicant Trust, pending disposal of the above suit.

2. Heard the learned counsels appearing for their respective parties.



3. In spite of sufficient opportunities given to the respondents to file their counter, they have failed to file their counter.

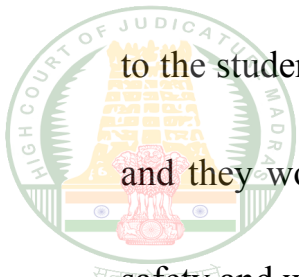
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4. The learned counsel for the applicant would submit that the plaintiff is a Trust owning the suit scheduled property. However, the second defendant by creating fraudulent documents had executed a sale of the suit scheduled property in favour of the first respondent/ first defendant based upon a fraudulent legal heirship certificate. The said certificate has been cancelled by the Revenue Divisional Officer North Chennai by his order dated 13.03.2025.

5. This Court by its order dated 24.10.2024, by considering the disputed title of the property and also taking into consideration that the Revenue Records relied upon by the second respondent had been cancelled by an appropriate authority concerned has granted injunction as prayed for in A.Nos.788 & 789 of 2025.

6. It is the case of the applicant that the scheduled property could be utilised for the benefit of the students in the school run by the Trust.

7. The learned counsel would submit that if the property is utilised for providing lunch room



to the students of the school and that they undertake not to construct any permanent structure and they would only carry out essential works by temporary protective measures to ensure safety and well being of the students. Therefore, he prays this Court to grant permission to the

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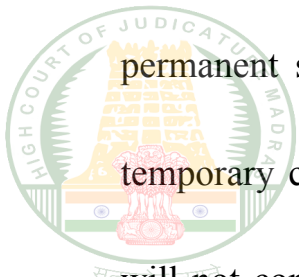
applicant Trust to make use of the scheduled property forming part of the Judges summons for operating a lunch room for students and other staffs of the applicant Trust till disposal of the suit.

8. I have considered the submissions made by the learned counsels appearing for their respective parties and perused the materials available on record.

9. The applicant is running a school and seeks to utilise the Judge's summons schedule mentioned property as a lunch room for the benefit of its students and staff by putting up a temporary structure. The applicant has also undertaken not to put any permanent structure which would have an effect of changing the nature of the suit property.

10. The respondents in spite of time granted, had failed to file their counter.

11. In such view of the matter, this Court is of the view that the property can be put into use by the applicants for and in the interest of its students and staffs. It is made clear that no



permanent structure shall be put up and that the applicant is only permitted p a

temporary construction to protect its students and staff from the weather alone. This order

will not confer any equity on the applicant. Further, if the respondents succeeds in the suit

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they would also be entitled for any claim of damages for use of occupation of the Judge's

summons mentioned property.

12. In fine, the application stands allowed in the aforesaid terms. However, there shall be no

order as to costs.

29-07-2025

Gba