



A NO. 3698 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A NO. 3698 of 2025

in

C.S.No.201 of 2024

Vijaya Enterprises

A registered partnership firm, Rep by its Partner Mr.Sivakumar,
No.14, Lynwood Lane, Mahalingapuram, Nungambakkam,
Chennai - 600 034.

Applicant(s)

Vs

Mr. Om Prakash Agarwal And 3 Others

Residing at G-1125, 1st street, 10th Main Road, Anna Nagar West,
Chennai - 600 040. and 3 Others

Respondent(s)

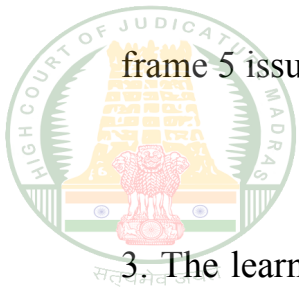
For Applicant(s): Mr.T.R.Sathiya Mohan

For Respondent(s): Mr.S.Philip for R1 to R3

ORDER

This application has been filed to frame additional issues set out in Draft Issues filed.

2. The learned counsel for the applicant would submit that the draft issues filed by the applicant are all necessary for deciding the suit and this Court had left out the draft issues and had directed only framing of two issues and hence, he prays this Court to



frame 5 issues which have been sought to be framed by the first defendant.

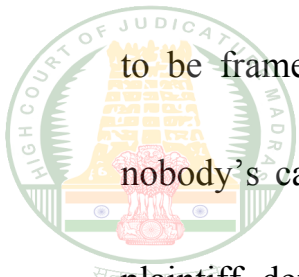
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3. The learned counsel appearing on behalf of the plaintiff would contest the claim by submitting that admittedly the first defendant was in possession of the documents which are sought to be handed over to the plaintiff. He would further submit that it is nobody's case that the plaintiff is the owner of the property. The plaintiff claim only assignment rights from the defendants 3 & 4. Hence, he would submit that the issues 1 & 3 sought for by the plaintiff need not be an issue to be framed at all.

4. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

5. As rightly pointed out by the learned counsel for the respondent/ plaintiff, the first defendant admits to be in possession of the documents which has also been deposited before this Court pursuant to the interim orders passed in the suit.

6. The first relief that has been sought for by the plaintiff is for a mandatory injunction to the first defendant to hand over the documents to him. Therefore, the suit is definitely maintainable against the first defendant. Hence, the Issue No.1 that is sought



to be framed by the defendant has not been framed by this Court. Secondly

nobody's case that the plaintiff is the owner of the property. Even according to the

plaintiff, defendants 3 & 4 are the owners of the property. Therefore, the issue of locus

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as framed by the first defendant is also an unnecessary issue. The Issue Nos.2 & 4

framed by the first defendant is with regard to the right of the plaintiff over the

assignment deed upon which the mandatory injunction has been sought for. Further, the

first defendant had raised an issue of collusion between the plaintiff and the second

defendant to defeat the rights of the first defendant.

7. In such view of the matter, the following issues are alone framed.

a)Whether the plaintiff has a right to seek for a mandatory injunction as prayed for as

he had assigned the rights in favour of the second defendant?

b)Whether the plaintiffs and the second defendant had colluded to defeat the right of

the first defendant?

8. The respective parties are directed to file affidavit of documents and list of witnesses

on 11.08.2025.



9. List the matter on 11.08.2025.



31-07-2025

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