



WEB COPY

O.A.No.776 & 777 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 15.04.2025	PRONOUNCED ON 23.06.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

O.A.Nos.776 & 777 of 2024

in

C.S.No.172 of 2024

1.Mrs.Geeteha Ravishankar

2.Mr.B.A.Kodandarama Setty

... Applicants/Plaintiffs

vs.

1.M/s.Premier Energy & Infrastructure Ltd.,
(Formerly known as Premier Housing & Industrial Enterprises Ltd.,)
Rep., by its Director, Mr.Narayanamurthi
No.34, Tangy Apartments, Ground Floor,
Dr.P.V.Churian Road, Egmore, Chennai – 600 008.

2.M/s.P.L.Finance & Investments Ltd.,
Rep., by its Director, Mr.Narayanamurthi,
No.34, Tangy Apartments, Ground Floor,
Dr.P.V.Churian Road, Egmore, Chennai – 600 008.

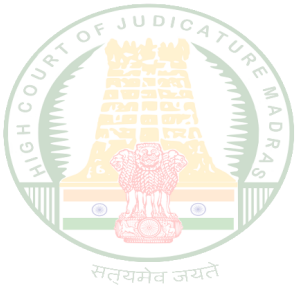
3.Mr.N.Ravichandran

... Respondents/Defendants

For Applicant : Mr.R.Parthasarathy Sr., Counsel for
Mr.M.Venkatakrishnan

For Respondent : Mr.K.V.Babu for RR1 & 2

Mr.V.Ramesh for Mr.R.Ashwanth for R3



Mr.T.Arun Kumar AGP for DD4 to D6

COMMON ORDER

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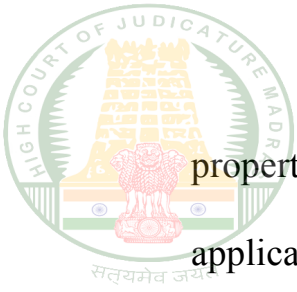
2) Heard Mr.R.Parthasarathy learned Senior Counsel appearing for Mr.M.Venkatakrisnan, learned counsel appearing for the applicants, Mr.K.V.Babu, learned counsel appearing for first and second respondents and Mr.V.Ramesh learned counsel appearing for Mr.R.Ashwanth, learned counsel appearing for the third respondent.

2) The learned Senior counsel appearing for the applicants would submit that the applicant had sought for various reliefs against the respondents in respect of the land and property which had originally belonged to a renowned Advocate Dr.Sir Alladi Krishnswami Iyer. He would submit that a large extent of property was held by Dr.Sir Alladi Krishnswami Iyer both in his individual capacity and as a kartha of the Hindu undivided property. The property



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owned by him was described as “Norton Lodge” and the property owned by the HUF was described as “Ekamra Nivas”. The Norton Lodge property was settled in favour of his sons in three equal shares to be enjoyed absolutely by them. His three sons by a deed of partition had divided the said property by metes and bounds by providing a common access/passage for each of them to reach the respective plots. However, an extent measuring about 2650 sq.ft., in the said Norton Lodge was retained in common between themselves. With regard to the share allotted to one of the sons, which is Schedule 'B' property was purchased by the father of the first plaintiff. The property described as “Ekamra Nivas” was also sold by the sons of Dr.Sir Alladi Krishnswami Iyer to third parties. Disputes arose between the parties with regard to the usage of the common passage, as the respondents claimed it to be their individual property. Collateral proceedings under SARFAESI Act was also initiated, which came to be decided against the respondents. The second respondent herein had created interest in respect of the third respondent to which he did not have title and hence, the present Suit had been filed. He would submit that the interim prayers have been sought for as the applicants peaceful possession and enjoyment of the F Schedule property is sought to be interdicted and similarly, the respondents are also attempting to encumber the F Schedule



property to the third party. Hence, to protect the applicants' interest, these applications have been filed.

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3) Mr.K.V.Babu, learned counsel appearing for the first and second respondents would contend that the Schedule F property would not form part of Norton Lodge, but is a part of Ekamra Nivas, and what had been purchased by the plaintiff is a property, which admittedly came to the hands of one of the brothers under the partition of Norton Lodge alone and not Ekamra Nivas. The common passage of which the applicants claims right arose out of the partition of the Norton Lodge, since even according to the applicants, Ekamra Nivas was not subject of the partition and the right in the property had been sold by the LRs of Dr.Sir Alladi Krishnswami Iyer and had been purchased by the second defendant. The third defendant who had also purchased a portion of the Norton Lodge, had also from the second defendant purchased the portion of the Ekamra Nivas. The applicants taking advantage of the same, would also try to seek a claim over the property, which fell within the Ekamra Nivas description. He would further submit that the Suit itself is being filed with a malafide intention to stake a claim to a property which had not been purchased by the father of the first plaintiff. Therefore, he seeks dismissal of



these applications.

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4) The learned counsel appearing for the third respondent would submit also adopt the arguments of Mr.K.V.Babu, learned counsel appearing for the first and second respondents. He would reiterate that the plaint F Schedule Property would fall within the presence of Ekamra Nivas and not Norton Lodge which is the property purchased by the applicants' father. Therefore, he would also seek dismissal of the applications.

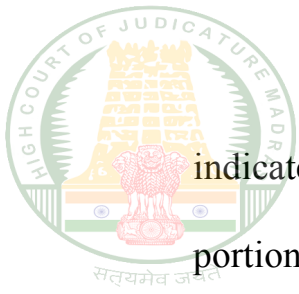
5. I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials placed on record.

6. The applicants had originally taken out Application Nos.548 & 549 of 2024 for a similar relief. By order dated 12.08.2024, this Court had granted an order of interim injunctions till 27.08.2024. On 27.08.2024, recording the statement that Order XXXIX, Rule 3A had not been complied with, refused to grant extension and closed the applications with liberty to file fresh application. Thereafter, the present Applications had been taken out.



7. By order dated 06.12.2024, while dealing with these applications, this Court had appointed an Advocate Commissioner to note down the physical features of the properties by metes and bounds for ascertaining the layout of the existing building and its physical feature before examination of the respective title documents. The learned Advocate Commissioner had also filed a detailed report of which even though an objection was taken and the learned Advocate Commissioner taking note of the objection, had also sought the leave of the Court to carry out the necessary corrections in his report which was also not opposed to by the learned counsels appearing on either side and such corrections were also noted in the order of this Court, dated 27.03.2025.

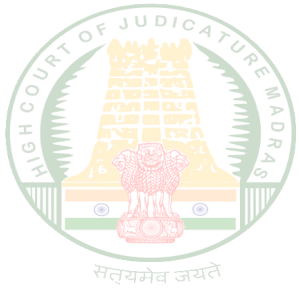
8. The dispute is with regard to Schedule F which had been marked as PQRS in the report and coloured in green in the report filed by the learned Advocate Commissioner. The claim made by the respective parties based upon the title can only be decided during the trial of the Suit after evidence has recorded by the respective parties based on the documents. The learned Advocate Commissioner had also in the report indicated the portions of the property held by the respective parties. Pleadings have also been completed by the respective parties. The learned Advocate Commissioner's report also



indicates that a portion of the property is being utilised by the applicants and a portion of the property is also being utilised by the respondents to reach the property in R.S.No.1652/3 which is 'Ekamra Nivas'. Since the disputed properties are being used by both the applicants and the respondents as per the report of the learned Advocate Commissioner, the injunction as prayed for in Application in A.No.777 of 2024 cannot be granted.

9. As regards the Application in A.No.776 of 2024, the applicants' claim a title over the property and also disputes a title of the same with the respondents. According to the learned Advocate Commissioner's report, the same is vacant and is being utilized by the respective parties to reach their properties. If the same is dealt with by the respondents unilaterally, it would only affect the right and interest of the applicant, in the event, the applicants succeed in the Suit.

10. For the aforesaid reasons, Original Application in O.A.No.777 of 2024 is dismissed and O.A.No.776 of 2024 is allowed. However, there shall be no order as to costs.



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Index : Yes / No

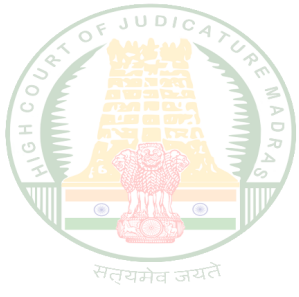
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23.06.2025



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K.KUMARESH BABU.J.,

Pbn

Pre-Delivery Order in
O.A.Nos.776 & 777 of 2024
in
C.S.No.172 of 2024

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