



A NO. 6724 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2025

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THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 6724 of 2024

S.C. Arulselvan

S/o.Chellakani, Residing at 264/102, Bharatha Madha Street,
Tambaram, Chennai-600 059. and 3 Others

Applicant(s)

Vs

DR.MRS.A.Ezhil Malar

W/o Dr.Mr.H..Antony Prem Kumar No.58,2nd Street, KArpagam
Avenue, Raja Annamalaipuram, Chennai 28 and 3 Others

Respondent(s)

For Applicant(s):

M/s.B. Arvind Srevatsa

For Respondent(s): Mr.K.V.Karthik Subramanian for R1

Mrs.Lita Srinivasan for R2

Mr.G.R.M.Palaniappan

ORDER

In the present application the applicant seeks an order directing the second respondent herein to deposit a sum of Rs. 33 crores which was the sale consideration received by the second respondent in respect of the D schedule property to the credit of the instant suit.

2. The learned counsel for the applicant would submit that the applicants are defendants 3 to

6. He would submit that with regard to schedule D property the applicants are entitled to 1/4th



share each. In the said property the second respondent had executed a sale deed of the fourth respondent who is sought to be impleaded in A.No.6725 of 2024, he would submit that when the suit is pending the second respondent had disposed of the same affecting the

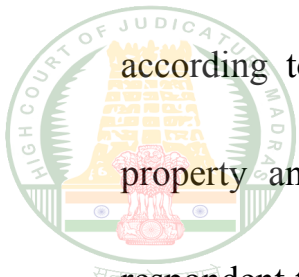
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interest of the applicants, therefore, the second respondent should be directed to deposit the entire sale consideration to the credit of the suit. He would further contend that the second respondent had sold the property much lesser than the market value.

3. Learned counsel appearing for the second respondent would submit that the first respondent had initiated suit for partition of the suit scheduled properties in which the first respondent/ plaintiff had claimed half share in the suit property. she would further submit that the first respondent herein had moved an injunction Application in O.A.No.653 of 2023 in the instant suit. The Court after hearing the parties in the said application, this Court by its order dated 25.08.2023 had dismissed the injunction Application as against the D schedule by giving a categorical finding that the first respondent/ plaintiff had not made a *prima facie* case for grant of injunction.

4. She would further contend that the property had been sold only pursuant to a decree of specific performance granted by an appropriate Court based upon which sale deed had also

been given in favour of the fourth proposed respondent. He would further contend that even



according to the applicants that they are entitled to only 1/4th share in the D schedule property and therefore, they cannot be entitled for the relief calling upon the second

respondent to deposit the entire sale proceeds of Rs.33 Crores to the credit of the suit. Hence,

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he would pray this Court to dismiss the said application.

Supporting her claim, the learned counsel appearing for the third respondent would also contend that the applicants do not have any right or interest over the property. He would further submit that the second respondent herein had absolute right and interest in respect of the D schedule property and that the applicants have no right of resemblance in any manner over the D schedule property. Hence, prays this Court to dismiss the application.

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

6. It is an admitted case by the applicants who are the defendants 3 to 6 on the suit that they are entitled to 1/4th share in the D schedule property. When that is their claim in the written statement filed by them, the present application had been filed calling upon the second respondent to deposit the entire sale consideration is without any merits. This Court is of the

view that it is only a ruse to protract the said proceedings. It is further amplified by the fact



that the applicant had not even paid the process fee for the service of notice of respondent in the application filed by the applicant in A.No.6725 of 2024 to implead the proposed respondent.

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7. It is to be noted that this Court had directed issuance of notice to the proposed respondents by it's order dated 09.01.2025 and had directed the matter to be listed on 10.02.2025. noting had been made by the registry of this court that the Batta has not been paid.

In such circumstances I do not find any merits in the application and accordingly the application is stands dismissed.

24-02-2025

Gba (1/2)

To

1. DR.MRS.A.Ezhil Malar

W/o Dr.Mr.H..Antony Prem Kumar No.58,2nd Street, KArpagam
Avenue, Raja Annamalaipuram, Chennai 28

2. Dr.Mrs.M.Selvasankareeswari

W/o Late P.K.M.MAriappan, No.182, Thiruvottriyur High Road, Tondiarpet, Chennai
81.

3. Dr.Mrs.M.Priya

W/o Dr.(Mr).Mohan Kumar.M No.183, Thiruvottriyur High Road, Tondiarpet, Chennai
81

4. Pachaiyappas Silks Private Limited

Having its registered office at No.167, Gandhi Road, Kancheepuram, Tamil Nadu 631



501, Represented by its Director.



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