



C.R.P No.4816 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P No.4816 of 2025
& C.M.P.No.24264 of 2025

M/s.Modras Motors Private Limited
Represented by its Directorate
Mr.Pramod Kumar Garg
S/o.Shri. Ram Prakash Garg
Having Office at
No.24, Gilchrist Avenue
Off Harrington Road, Chetpet
Chennai - 600 031

.. Petitioner

vs.

M/s.Paterson Cancer Center Private Limited
Represented by its Managing Director Dr.S.Vijayaraghavan
No.175, NSK Salai
Vadapalani, Chennai - 600 026

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to dispose of the interlocutory application filed by the petitioner in I.A.No.9 of 2025 in O.S.No.66 of 2025 on the file learned Additional District Munsif Court, Poonamallee within a time frame thereby allowing this Civil Revision Petition.

For Petitioner : Mr.M.Mathanraj

For Respondent : Mr.P.V.Balasubramanian



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Senior Counsel
for Mr.B.Natarajan

ORDER

Heard Mr.M.Mathanraj, the learned counsel for the petitioner and Mr.P.V.Balasubramanian, the learned Senior counsel appearing on behalf of Mr.B.Natarajan.

2. The civil revision petitioner is the defendant in the suit. This revision seeks for expeditious disposal of I.A.No.9 of 2025 in O.S.No.66 of 2025 on the file of Additional District Munsif Court at Poonamalle.

3. The respondent is the plaintiff. He has presented the suit for the following relief:

"a) Permanent Injunction restraining the defendants, their men, agents, servants or anyone claiming under them or acting on their behalf, from in any manner interfering with the plaintiff's peaceful possession and enjoyment of Item 2 of suit schedule property."

4. It is the claim of the plaintiff that Items 1 and 2 of the suit schedule mentioned properties were assets mortgaged to the Indian Overseas Bank and due to default, they were declared as "Non-performing Assets". The plaintiff claims to be owner of suit Items 1 & 2, by purchase.



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WEB COPY 5. In order to develop an Oncology hospital, the plaintiff needed funds. Hence, he sold Item 1 of the property to the defendant on 11.08.2023. He admits in paragraph 13 of the plaint that he put the defendant in possession of Item 1. Thereafter, they entered into an agreement of sale on 01.08.2023 to sell 1200 sq.ft in S.No.128/2 of Maduravoyal Village to the defendant. In Paragraph 17 of the plaint, it is his specific case that the defendant does not have a right over Item 2 of the property. It is his plea that using men and materials, the defendant attempted to trespass into Item 2. After lodging a usual police complaint, he came forward with the present suit.

6. The trial Court entertained the suit and granted an interim order.

7. It is the case of the defendant that the suit properties are covered by an arbitration agreement, entered into between the parties on 01.08.2023. Consequently, he filed an application in I.A.No.9 of 2025 invoking Section 8 of the Arbitration and Conciliation Act. It seeks a direction to refer the parties to arbitration and to dismiss the suit. As the



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application had been repeatedly adjourned, the petitioner is before this

8. Mr.P.V.Balasubramanian, who appears for the plaintiff, states that he has no objection, if a direction is given for expeditious disposal of the application.

9. A perusal of the papers shows that the application was, in fact argued on 13.08.2025 and listed for orders on 29.08.2025. Thereafter, it was adjourned to 09.09.2025. The plaintiff had circulated a judgment to the trial Court constraining the Court to reopen the case for hearing fresh arguments and it was listed for hearing on 25.09.2025. On that day, as the judge was not available, it has been adjourned to 13.10.2025. The petitioner pleads that this is a case, which requires immediate disposal, as the petitioner faces dispossession at the hands of the plaintiff.

10. Mr.P.V.Balasubramanian attempted to distinguish the area covered under the agreement of sale dated 01.08.2023 with the subject matter of the dispute. All these can be gone into by the learned trial Judge.



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11. As both parties have agreed for earlier disposal of the application, the learned Additional District Munsif, Poonamallee, is requested to dispose of the application, after hearing both sides, by **30.11.2025**.

12. This Civil Revision Petition is disposed of with the above direction. Consequently, the connected Civil Miscellaneous Petition is closed. There shall be no order as to costs.

03.10.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa

To

The Additional District Munsif Court
Poonamallee



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V. LAKSHMINARAYANAN, J.

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