



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-05-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

CMP No. 13450 of 2026

in

CMA SR NO. 83620 OF 2026

M/s.11 Media
Rep by its Proprietor
No.7, 1st Floor Anderson Street
Parrys, Chennai - 1.

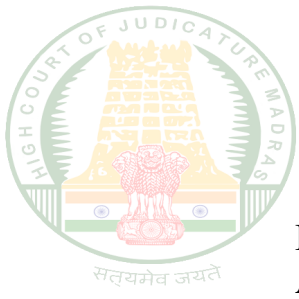
..Petitioner/Appellant

Vs

1. Mookambika Complex Maintenance Association
Moogambikai Complex,
Old.No.4, New No.7, Lady Desikachari Road,
Abhirampuram, Alwarpet,
Chennai – 600 018.
2. Kandaswamy
3. R. Akilan
4. Akshay Sarin
All having their office at
Moogambikai Complex,
O.No.4, N.No.7, Lady Dedsikachari Road,
Abhirampuram, Alwarpet,
Chennai -18.

..Respondents

PRAYER : Petition filed under Section 24 & 25 of Civil Procedure Code r/w. Section 151, to receive and transmit the said CMA.S.R.No.83620 of 2026 before this Court to the file of the learned Principal District Judge, Chennai.



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For Petitioner /
Appellant:

Mr.Wilson for A.S.Kailasam and Associates

ORDER

As the Appellate Court in the City Civil Court complex is not functioning during the vacation, the plaintiff / petitioner has invoked the jurisdiction of this Court to receive and transmit the appeal.

2. Heard Mr.Wilson for M/s.A.S.Kailasam and Associates. Receive and Transmit application allowed.

3. A perusal of the papers reveals that the plaintiff/appellant is having two advertisement hoardings atop a building called “the Moogambikai Complex”, situated at Old No.4, New No.7, Lady Desikachari Road, Abhirampuram, Alwarpet, Chennai-600 018. The plaintiff had entered into a “leave and license” agreement with one Vishwanathan. It is his plea from paragraph No.4 of the plaint that the owners and allottees of the units (defendants / respondents) were not granted any right over the terrace area and it continues to vest with his licensor Vishwanathan. As the defendants were interfering with the hoardings raised by the plaintiff, he came forth with a suit for the relief of permanent injunction.

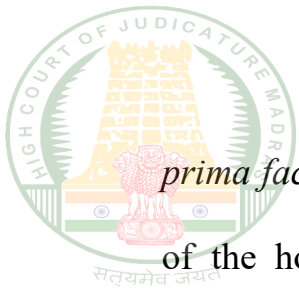


4. Pending disposal of the suit, the plaintiff moved an interlocutory application for grant of interim injunction. In the said application, the defendants were served, but they did not enter appearance. They were set *exparte*. The learned Judge took up the application for disposal. He dismissed the application on the ground that no renewal of the “leave and license” agreement had been reported by the plaintiff.

5. *Prima facie*, I am of the view that the learned Judge has been under the impression as if the plaintiff had entered into a licence agreement with the defendants 1 to 4. That is not the case, as seen from paragraph No. 4 of the *plaint*.

6. The plaintiff fears interference with its business activities only at the instance of the defendants. Despite service of summons, the defendants have not entered appearance. Hence, the averments made in the petition goes uncontroverted. In other words, his specific averment that the defendants do not have any right over the terrace area is not traversed by way of a counter.

7. In those circumstances, the learned Judge could have considered the



prima facie case lies with the plaintiff. In addition, for the purpose of erection of the hoardings, the plaintiff has obtained the licence from the competent authorities. It has incurred heavy fees for the said purpose. If the business activities are interfered, it would open to the plaintiff for claim of damages from his clients / advertisers. Hence, I am of the view that pending the appeal, an order of injunction must be granted. Accordingly, injunction is granted.

8. Registry is directed to transmit the papers to the City Civil Court for the purpose of numbering and for final disposal. Let the appeal and application be numbered by the appellate court.

9. The plaintiff / appellant shall take steps through Court and privately returnable by three weeks. The appellate court shall list the application after three weeks.

29-05-2026

Neutral Citation: Yes/No

DS / DN

To:

The Principal District Judge
Chennai.



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CMP No. 13450 of 2



V.LAKSHMINARAYANAN J.

DS

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