

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 15TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.No. 233 of 2020
and
O.A.Nos. 422 & 423 of 2020
and
A.No. 946 of 2021

1. Mr.G.M.Jeyaraj,
S/o.G.J.Michael Naidu,
2. G.Rita Jeyaraj,
W/o.G.M.Jeyaraj,
Senior Citizens,
Both are residing at
First Floor, No.163, Patel Road,
Perambur, Chennai – 600 011.

... Applicants/Plaintiffs
(in O.A.Nos. 422 and 423 of 2020
and A.No. 946 of 2021)

-Vs-

J.Sagayaraj Ramesh,
S/o M.M.John,
No.163, Patel Road,
Perambur, Chennai – 600 011.

... Respondent/Defendant
(in O.A.Nos. 422 and 423 of 2020
and A.No. 946 of 2021)

C.S.No. 233 of 2020 :-

Civil Suit praying that this Hon'ble Court be pleased to pass a
Preliminary Decree

a) For Partition by Directing the Defendant to Partition the under mentioned property by metes and bounds and hand over to the Plaintiffs separate possession of their 1/3 undivided share in the land and the 750 Sq.ft first floor building in the suit property morefully mentioned in the Schedule "B" hereunder without any let or hindrance as per the Consent Letter dated 12.01.1990 of Late.M.S.Clara which was carried out in the Will executed by Simroyalu on 26/09/2007.

b) To Declare the Settlement deed dated 23.12.2015 and registered as Document No.5604 of 2015 and the Rectification Deed dated 05.05.2016 registered as Document No. 2211 of 2016 before the SRO Purasawalkam executed by the Late. M. Simaroyalu in favour of the defendant as NULL AND VOID.

c) To Direct the Sub-Registrar to remove the entries of the Settlement Deed dated 23/12/2015 vide Document No. 5604 of 2015 before the SRO Purasawalkam and Rectification Deed dated 05.05.2016 vide Document No.2211/2016 on the file of the SRO Purasawalkam favouring the Defendant.

d) Directing the Defendant to pay the cost of the suit to the Plaintiffs
and

O.A.No. 422 of 2020 :-

Original Application praying that this Hon'ble Court be pleased to grant an Ad Interim Injunction restraining the Respondent herein or his agents, servants, men, representatives, executors, administrators, assigns, attorneys etc, from encumbering or alienating the Schedule "B" mentioned suit property in any manner whatsoever pending disposal of the above suit.

O.A.No. 423 of 2020:-

Original Application praying that this Hon'ble Court be pleased to grant Interim injunction restraining the Respondent or his agents, servants, men, representatives, executors, administrators, assigns, attorneys, successors in office or any one acting on his behalf from interfering with the peaceful possession and enjoyment of the Applicants/Plaintiffs Schedule "B" mentioned suit property viz., 1/3 undivided share of land measuring about 910 sq.ft or thereabouts out of the larger extent of 2730 sq.ft which is comprised in the "A" Schedule of Property together with a constructed residential building situated in the first floor measuring 750 sq.ft or thereabouts bearing present municipal Door No.163, Patel Road, Perambur, Chennai 600 011 comprised in R.S.No.353/26 part and T.S.No.353/46 and Block No.21 in any manner whatsoever, pending disposal of the above suit.

A.No. 946 of 2021:-

Application praying that this Hon'ble Court be pleased to amend the Plaint in C.S.No.233 of 2020 pending before this Hon'ble Court by correcting the dates of the Will as 26/09/2007 instead of the Will dated 11/04/2007 in the pages, paragraphs and lines mentioned.

This Civil Suit along with these applications coming on this day before this court for hearing in the presence of Mr.V.P.Raju, Advocate for the plaintiffs herein and for the applicants in all the applications, and Mr.R.Karunakaran, Advocate for the defendant herein and for the respondent in all the applications and upon reading the plaint filed in C.S.No. 233 of 2020 and the order dated 14/02/2022 made in O.A.Nos. 422 & 433 of 2020 and A.No. 2502 of 2020 and A.No.946 of 2021 in C.S.No. 233 of 2020, and the learned counsel for the defendant having submitted that today he has filed the written statement,

It is ordered as follows:-

That the order of interim injunction granted in pursuance of the order dated 01.10.2020 made in O.A.No. 422 of 2020 restraining the respondent in O.A.No. 422 of 2020 his agents, servants, men, representatives, executors, administrators, assigns, attorneys etc, from encumbering or alienating the suit property morefully mentioned in Schedule "B" thereunder in any manner whatsoever be and are hereby extended till 11.04.2022.

2. That the order of interim injunction granted in pursuance of the order dated 01.10.2020 made in O.A.No. 423 of 2020 restraining the respondent in O.A.No. 423 of 2020, his agents, servants, men, representatives, executors, administrators, assigns, attorneys successors in office or any one acting on his behalf from interfering with the peaceful possession and enjoyment of the Applicants/Plaintiffs Schedule "B" mentioned suit property viz., 1/3 undivided share of land measuring about 910 sq.ft or thereabouts out of the larger extent of 2730 sq.ft which is comprised in the suit property morefully setout in the "A" Schedule thereunder together with a constructed residential building situated in the first floor measuring 750 sq.ft or thereabouts bearing present municipal Door NO.163, Patel Road, Perambur, Chennai 600 011 comprised in R.S.No.353/26 part and T.S.No.353/46 and Block No.21 in any manner whatsoever be and are hereby extended till 11.04.2022.

3. That the Registry be and is hereby directed to verify the written statement and if it is otherwise in order, place it on record.

4. That the Suit C.S.No. 233 of 2020 and these O.A.Nos. 422 & 423 of 2020 and A.No.946 of 2021 be posted on 11.04.2022.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 15TH DAY OF MARCH 2022.

Sd/-

ASSISTANT REGISTRAR (O.S-II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

ED

17.03.2022

C.S.No. 233 of 2020
and
O.A.Nos. 422 & 423 of 2020
and
A.No. 946 of 2021

ORDER

DATED : 15.03.2022

THE HON'BLE MR. JUSTICE
P.VELMURUGAN

FOR APPROVAL: 17.03.2022

APPROVED ON : 17.03.2022