

ITEM NO.18

Court No.10

SECTION XII

S U P R E M E                      C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).12794-12795/2011

(From the judgement and order dated 02/02/2011 in                      CRP No. 2562/2010  
& CRP No. 2563/2010 of The HIGH COURT OF MADRAS)

M/S K. RAHEJA DEVELOPMENT CORP. & ANR.                      Petitioner(s)

V E R S U S

M/S FERANI HOTELS (P) LTD. & ANR.                      Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned  
Judgment and prayer for interim relief )

Date: 11/05/2011                      These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)                      Mr. E.C. Agrawala,Adv.

For Respondent(s)                      Mr. Pallav Shishodia, Sr. Adv.  
Mr. Abhimanyu Bhandari, Adv.  
Mr. Gopal Jain, Adv.  
Mr. Naveen Kumar,Adv.

Ms. Ruby Singh Ahuja, Adv.  
Mr. Abeer Kumar, Adv.  
Ms. Pragya Ohri, Adv.  
M/S. Karanjawala & Co. ,Adv

UPON hearing counsel the Court made the following  
O R D E R

These petitions are directed against order dated  
2.2.2011 of the learned Single Judge of the Madras High  
Court whereby he dismissed the petitions filed by the  
petitioners under Article 227 against order dated 26.7.2010  
passed by Fast Track Court No.1, Coimbatore negating their  
challenge to the order of 1st Additional Subordinate Judge,  
Coimbatore (for short, "trial Court").

The petitioners filed Suit No. 699 of 2009 for  
restraining respondent No. 1 from evicting petitioner No. 1  
from the suit premises.

They also filed I.A. No.549 of 2009 for grant of

temporary injunction against their threatened eviction.

By

an order dated 23.11.2009, the trial Court accepted their prayer and granted ad-interim injunction.

During the currency of injunction, the petitioners filed O.S. No.747 of 2009 for grant of a declaration that respondent No. 1 had illegally demolished the super structures on the suit property. In the second suit also, an order of injunction was passed by the trial Court on 2.3.2010.

After hearing the parties, the trial court vacated the order of injunction. The petitioners challenged that order in CMA No. 23 of 2010. Respondent no. 1 also challenged order dated 2.3.2010 in C.M.A. No.16 of 2010. Fast Track Court No. 1, Coimbatore allowed C.M.A. No.16 of 2010 and dismissed C.M.A. No.23 of 2010.

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The petitioners questioned the order of the Fast Track Court by filing two separate petitions under Article 227 of the Constitution, which were dismissed by the learned Single Judge.

We have heard learned counsel for the parties and carefully perused the record.

The lower Appellate Court and the High Court have assigned cogent reasons for declining the petitioners' prayer for interim injunction and we do not find any merit in the petitioners' challenge to the impugned order.

The special leave petitions are accordingly dismissed.

(Shashi Sareen)  
Court Master

(Phoolan Wati Arora)  
Court Master