SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

T.Ruby Christie Vs. K.Ramesh

T.Ruby Christie Vs. K.Ramesh

SooperKanoon Citation : sooperkanoon.com/964781

Court : Chennai

Decided On : Jan-24-2013

Judge : Vinod K. Sharma

Appellant : T.Ruby Christie

Respondent : K.Ramesh

Judgement :
IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED:

24. 01/2013 CORAM THE HON'BLE MR.JUSTICE VINOD K. SHARMA O.A.No.528 of 2012 in C.S.No.424 of 2012 T.Ruby Christie vs. K.Ramesh FOR PETITIONER : V.G.Suresh FOR RESPONDENT : Chandrasekaran ORDER: O.A.No.528 of 2012 in C.S.No.424 of 2012 VINOD K. SHARMA,J., The plaintiff / non applicant has filed suit for recovery of Rs.36,07,500/- (Rupees Thirty Six Lakhs Seven Thousand and Five Hundred only) advanced against promissory note against defendant no.1. In the suit, prayer has also been made for grant of permanent injunction, restraining defendant no.1 from transferring the property to defendant nos.2 to 23 till payment due to the plaintiff/non applicant.

2. It is not disputed, that defendant no.2 is not the owner of the property and is only developer of property, who has entered into agreement with defendant nos.2 to 23 as attorneys of the true owners and not in his own right.

3. The property under development therefore cannot be said to be suit property to maintain the application for grant of injunction. No prima facie case is made out for grant of injunction in favour of plaintiff/applicant. VINOD K. SHARMA,J., ar 4. The defendant no.1, while entering into agreement with defendant nos.2 to 23, was acting on behalf of the true owners and not in his own right. It is not case of the plaintiff/applicant, that any amount is due from the true owners of the property or from defendant nos.2 to 23.

5. The plaintiff/applicant, thus has failed to make out prima facie case. Nor the property in dispute is the subject matter of suit, therefore, no injunction as prayed can be granted.

6. No merits. Dismissed. No costs. 24.01.2013 Index: Yes / No Internet: Yes / No ar O.A.No.528 of 2012 in C.S.No.424 o

2. 2

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com