

ITEM NO.19

COURT NO.13

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 (C) Nos.13780-13783/2019

(Arising out of impugned final judgment and order dated 28-02-2019 in C.R.P (PD) Nos.3790/2018, 3795/2018, 3808/2018 and 3828/2018 passed by the High Court of Judicature at Madras)

MEENAKSHI AMMAL POLYTECHNIC A UNIT OF  
M/S MEENAKSHIAMMAL TRUST

Petitioner(s)

VERSUS

B MANIBALAN ETC.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.89482/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.89479/2019-EXEMPTION FROM FILING O.T. )

Date : 04-07-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Rajiv Dutta, Sr. Adv.  
Mr. M. A. Chinnasamy, AOR  
Ms. C. Rubavathi, Adv.  
Mr. P. Raja Ram, Adv.  
Mr. T. Meikandan, Adv.  
Mr. V. Senthil Kumar, Adv.

For Respondent(s)

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

Learned Senior counsel for the petitioner seeks to contend that the respondents cannot file mere suit for injunction in view of the findings rendered in the earlier proceedings and remedy, if any, lies only by way of a title suit.

The impugned order only reflects plea of *res judicata* and has rejected the same at the threshold on the ground that the land forming subject matter of the two proceedings are different, an aspect which is disputed by the petitioner.

We are of the view that looking to the nature of the pleas, the appropriate course for the petitioner would be to seek a preliminary issue after the pleadings are complete.

The special leave petition is dismissed with the aforesaid observations.

Pending application(s), if any, shall also stand disposed of.

(POOJA ARORA)  
COURT MASTER

(ANITA RANI AHUJA)  
COURT MASTER