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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CMA No. 1253 of 2026
and CMP No.12114 of 2026**

1. N.R.Jaishankar
S/o. N.J.Ramakrishnan

2. Kokila Senthilkumar
W/o. Senthil Kumar

Appellant(s)

Vs

1. Rajeshwari alais Rajam
W/o. Natarajan

2. Vasanthi
W/o. Sambavamoorthy

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Order XLIII Rule 1 of CPC, 1988, to set aside the order dated 03.01.2026 passed in I.A.No.4 of 2024 in O.S.No.54 of 2024 by the Honble Additional District Court, Chengalpattu.

For Appellant(s): Mr.G.Vivekanand

For Respondent(s): Mr.D.Baskar

JUDGMENT

This appeal has been filed under Order XLIII Rule 1 of CPC, 1988, against the order and decreetal order passed in I.A.No.4 of 2024 in O.S.No.54 of 2024, dated 03.01.2026, on the file of the Additional District Court, Chengalpattu.



2.The appellants are the plaintiffs. The appellants filed the suit in OS.No.54 of 2024, seeking for the reliefs of declaration, injunction and mandatory injunction. There were totally four items of suit properties that were shown as schedule to the plaint.

3.The respondents who are the defendants did not apparently question the right and title of the plaintiffs with respect to the first and second item of the suit schedule properties. However, when it came to the third and fourth item of the suit schedule property, they have also claimed a right over the same and they have taken a stand that the plaintiffs are attempting to dispossess them from Survey Nos.163/4 and 163/22 measuring an extent of 3.3 metres x 194 meters that is 645.5 sq. meters.

4.The plaintiffs along with the suit have filed IA.No.4 of 2024 under Order 39 Rule 1 and 2 of CPC., seeking for the relief of interim injunction restraining the defendants, their men, agents, servants or any other person from in any way interfering with the peaceful possession and enjoyment of the suit schedule properties, till the disposal of the suit.

5.The Court below on considering the pleadings and also the documents relied upon by both sides came to a conclusion that the plaintiffs have made out a prima facie case insofar as the first and second item of the suit schedule



properties are concerned and accordingly, granted an order of interim injunction for these two items of properties. Insofar as third and fourth items of the suit schedule properties, the Court below rendered a finding that there are rival claims made by both sides and the same can be decided only after trial and therefore, the Court below refused to grant an order of interim injunction with respect to third and fourth items of suit schedule property. Accordingly, IA.No.4 of 2024, was partly allowed by order dated 03.1.2026. Aggrieved by the same, the present appeal has been filed before this Court.

6.This Court has carefully considered the submissions made on either side and the materials available on record. This Court also went through the order passed by the Court below in IA.No.4 of 2024, dated 03.01.2026.

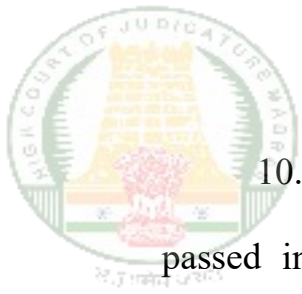
7.There are totally four items of properties shown as suit schedule properties. Insofar as the first and second item of the suit schedule properties are concerned, the Court below has categorically rendered a finding that the revenue records stood transferred in the name of the appellants and even the defendants have not questioned the right of the appellants with respect to these two items of the properties.

8.The contested right and claim pertained to the third and fourth item of the suit schedule properties. To substantiate the right of the defendants, Ex.R.1



to Ex.R.20 were marked. Similarly on the side of the appellants/plaintiffs, reliance was placed upon the patta that was granted for the fourth item of the suit property marked as Ex.P.8. Reliance was also placed upon Ex.P.1 which is the revised survey and re-settlement register. Ultimately in this case, the plaintiffs were claiming that the concerned properties were agricultural lands. If that is so, to establish definite possession over the property, chitta and adangal ave been filed and both the parties have not filed any of these documents. In view of the same, the Court below considering the nature of the property which are vacant lands, came to the conclusion that there is a serious dispute on the right and tile over the third and fourth items of the suit properties which can be decided only in the course of the trial. Accordingly, the Court below did not grant an order of interim injunction with respect to the third and fourth item of the suit properties.

9.The above finding rendered by the Court below is supported by reasons and this Court does not find any perversity in the above finding rendered by the Court below while exercising its discretion under Order 39 Rule 1 and 2 of CPC. In view of the same, this Court is not inclined to interfere with the order passed by the Court below and whatever is the status-quo that prevails can be maintained till the disposal of the suit.



10. In the light of the above discussion, the order and decretal order passed in I.A.No.4 of 2024 in O.S.No.54 of 2024, dated 03.01.2026, on the file of Additional District Court, Chengalpattu, is confirmed. Considering the fact that the suit is of the year 2024 and it is at the stage of trial, there shall be a direction to the learned Additional District Judge, Chengalpattu, to dispose of the suit in O.S.No.54 of 2024, within a period of six months from the date of receipt of a copy of the judgment. It is made clear that no findings have been rendered by this Court touching upon the merits of the case and the present appeal will not have any bearing while the Court below decides the suit on merits.

11. In the result, the Civil Miscellaneous Appeal is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

06-08-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

The Additional District Court,
Chengalpattu.



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N.ANAND VENKATESH J.

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