

C.R.P(MD)No.1767 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1767 of 2026

and

C.M.P(MD)No.8512 of 2026

M.Jerald Jeyaseelan

.. Petitioner

Vs.

V.Rejin Rani

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records and set aside the Judgment and Decree dated 01.04.2026 passed in C.M.A.No.2 of 2025 on the file of the Court of Subordinate Judge, Kuzhithurai by confirming the order and decretal order dated 12.02.2025 passed in I.A.No.2 of 2025 in O.S.No.17 of 2025 on the file of the Court of Principal District Munsfi, Kuzhithurai.

For Petitioner : Mr.J. John Jeyakumar

ORDER

The Civil Revision Petition has been filed challenging the order passed by the First Appellate Court dismissing the appeal filed by the petitioner challenging the order granting an ad interim injunction.



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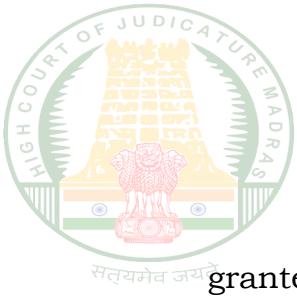
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2. The respondent herein/plaintiff filed the suit seeking a declaration of title and permanent injunction. Pending the suit, the respondent/plaintiff filed I.A.No.2 of 2025 seeking an interim injunction restraining the petitioner/defendant from obstructing, preventing, or disturbing the plaintiff's right of way over the suit 'B' schedule property.

3. It is seen from the typed set of papers that on 12.02.2025, after recording a prima facie case and finding that the balance of convenience was in favour of the plaintiff, the trial Court granted an ad interim injunction against the defendant and posted the matter for further hearing on 25.02.2025.

4. Challenging the said ad interim order, the petitioner/defendant preferred C.M.A.No.2 of 2025. The First Appellate Court dismissed the appeal on the ground that the application for interim injunction was still pending before the Trial Court and that the Civil Miscellaneous Appeal was prematured one.

5. The First Appellate Court, in paragraph No.9 of its order, has correctly held that on 12.02.2025 an ad interim injunction was



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granted till 25.02.2025 and, on the subsequent hearing on 25.02.2025, the respondent appeared through his counsel and filed vakalat and thereafter, the ad-interim injunction was extended on filing of the memo till 12.03.2025 and the ad interim injunction was extended from time to time and continues to be in force. The Appellate Court has also recorded a finding that I.A. No.2 of 2025 is still pending before the Trial Court and the same has not been disposed of on merits and therefore, the First Appellate Court rightly came to the conclusion that no final order had been passed in the application seeking interim injunction and hence, the appeal filed by the petitioner was prematured one.

6. When the above finding recorded by the First Appellate Court was specifically pointed out, the learned counsel appearing for the petitioner was unable to dispute the same. He, however, submitted that the petitioner may be afforded an opportunity to contest I.A. No.2 of 2025 before the Trial Court.

7. In view of the above, I do not find any reason to interfere with the order passed by the First Appellate Court. Accordingly, the Civil Revision Petition is dismissed.



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8. The petitioner is, however, granted liberty to file a counter in pending I.A. No.2 of 2025 before the Trial Court and contest the application on its own merits. The Trial Court shall afford reasonable opportunity to both parties and dispose of I.A. No.2 of 2025 on its own merits, in accordance with law, as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

09.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn
To

- 1.The Sub Court, Kuzhithurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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