



S.A.No.658 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :25.09.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**S.A.No.658 of 2024**

S.Rajeswari

.. Appellant

Vs.

Dhanakotti

.. Respondent

**PRAYER :** Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgement and decree dated 09.10.2023 passed by the learned Subordinate Judge, Ambattur in A.S.No.128 of 2023, confirming the judgment and decree dated 01.03.2017 in O.S.No.127 of 2001 passed by the learned District Munsif, Ambattur.

For Appellants : Mr.S.Sai Shankar



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## **J U D G M E N T**

**WEB COPY** The appellant has filed this appeal to set aside the judgment and decree dated 09.10.2023 passed by the learned Subordinate Judge, Ambattur, in A.S. No. 128 of 2023, which confirmed the judgment and decree dated 01.03.2017 in O.S. No. 127 of 2001 passed by the learned District Munsif, Ambattur.

2. The plaintiff/appellant has challenged the concurrent findings of the Courts below by filing this appeal. Before the trial court, the plaintiff filed a suit for a permanent injunction, claiming that she is in possession of the property. However, during evidence, she admitted that her possession of the property was based on an ex parte injunction order in O.S. No. 167 of 2000, which remains in force and has not been set aside. Furthermore, the decree granted earlier directed the plaintiff to pursue a comprehensive suit seeking a declaration and other consequential relief.

3. Upon reviewing the appeal, I find no merit in it. A suit for a permanent injunction requires proof of possession, but the plaintiff (P.W.1) himself admitted that the defendant has been in possession of the property since 2000. Therefore, there are no grounds for allowing this appeal. The



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lower courts correctly appreciated the facts, and there is no need for interference by this Court. No substantial question of law arises, especially as the plaintiff has already been granted the liberty to file a comprehensive suit.

4. Accordingly, the appeal is dismissed as devoid of merit. There shall be no order as to costs.

**25.09.2024**

Index : Yes/No  
Speaking Order: Yes/No  
Neutral citation: Yes/No

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To

1. The Subordinate Judge, Ambattur.
2. The District Munsif, Ambattur.
3. The Section Officer, VR Section,  
High Court of Madras.

**T.V.THAMILSELVI, J.**



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