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CRP (PD) No.32 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRP (PD) NO.32 OF 2019

AND

CMP NO.362 OF 2019

1.Vasunthara Devi (Died)

2.Narmadha

... Petitioner / Petitioner /
Plaintiff

Versus

The Joint I Sub – Registrar
Thirupapuliyur,
Cuddalore.

... Respondent / Respondent /
2nd Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950 praying to set aside the Fair and Decretal Order made in I.A.No.45 of 2017 in O.S.No.116 of 2014 dated December 12, 2018 on the file of the Additional District Judge, Mahila Court, Cuddalore.

For Petitioner : Mr.R.Sankarasubbu
For Respondent : Ms.R.Anitha
Special Government Pleader



ORDER

Feeling aggrieved by the Fair and Decretal Order dated December 12, 2018 passed by the 'Additional District, Mahila Court, Cuddalore' ['Trial Court' for convenience] in the Interlocutory Application filed under Order XXXIX Rule 2(A) and Section 151 of the 'Code of Civil Procedure, 1908' [CPC], in I.A.No.45 of 2017 in O.S.No.116 of 2014, the petitioner therein has preferred this Civil Revision Petition under Article 227 of the Constitution of India.

2.The Revision Petitioner herein is the Plaintiff and the Respondent herein is the second defendant in the Original Suit in O.S.No.116 of 2014. For the sake of convenience, hereinafter, the parties will be referred to as per their array in the Original Suit.

3.The Revision Petitioner / Plaintiff filed a Suit for partition and permanent injunction against one Saraswathi @ Bharathamani. In the said Suit, the Revision Petitioner arrayed the Joint I Sub Registrar, Thirupathiripuliyur, Cuddalore as Second Defendant.



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4.The case of the Plaintiff is that one Achuthanandam had one son – Gurusamy, husband of first defendant and two daughters- Vasuntharadevi, 1st Plaintiff and Narmadha, 2nd Plaintiff. Plaintiffs' brother- Gurusamy and their father-Achuthanandam constituted a Hindu Joint Family and the Suit Properties were treated as their joint family properties. Subsequently, the plaintiffs' brother-Gurusamy passed away as an intestate on March 12, 2013 leaving the plaintiffs, plaintiffs' father and the first defendant – Saraswathi as his legal heirs. Thereafter, the plaintiffs' father Achuthanandam passed away as an intestate on August 27, 2014 leaving behind the plaintiffs as his legal heirs. After the demise of the plaintiffs' father, the first defendant's attitude changed entirely. According to the plaintiffs, the Suit Properties were purchased by their father on March 6, 1952 in the name of the then Minor Gurusamy for the benefit of the joint family. Accordingly, the plaintiffs' filed a Suit for partition seeking 2/3rd share in the Suit Properties and for permanent injunction against the Defendants.

5.The plaint was presented on September 22, 2014. Along with the plaint, the plaintiffs filed an Interlocutory Application under Order



XXXIX, Rules 1 and 2 and Section 151 of CPC against the second defendant / Joint-I Sub Registrar, Thiripathiripuliyur, Cuddalore, seeking ad-interim injunction not to register or record any encumbrance in respect of the Suit Properties, till the disposal of the Suit. Despite receiving notice, the second defendant / Joint-I Sub Registrar, did not appear. Hence, he was called absent and set *ex-parte* on October 27, 2014. On the same day, the Trial Court, allowed the Interlocutory Application in I.A.No.504 of 2014.

6. Thereafter, the first defendant executed a Sale Deed on December 2, 2014 in favour of one G.Sathiya and one G.Jeevitha in respect of the Suit Properties and the said Sale Deeds were registered by the second defendant / Joint-I Sub Registrar. According to the plaintiffs, the second defendant / Joint-I Sub Registrar willfully disobeyed the Order passed by the Civil Court. On that premise, the plaintiffs filed an Interlocutory Application under Order XXXIX, Rule 2(A) and Section 151 of CPC in I.A.No.45 of 2017 in O.S.No.116 of 2014 praying to detain the second defendant / Joint-I Sub Registrar in Civil Prison. In the said Interlocutory Application, after hearing both sides, the Trial Court concluded that since the subsequent purchasers viz., G.Sathiya and G.Jeevitha were impleaded



as parties in the Suit, a full-fledged trial is required to decide the rights of the parties. Further, that there is no material to show that the Second Defendant willfully disobeyed or breached the Order. Accordingly, the Trial Court closed the Interlocutory Application in I.A.No.45 of 2017.

7. Feeling aggrieved, the plaintiff has filed this Civil Revision Petition.

8. Heard the submissions made by Mr.R.Sankarasubbu, learned Counsel appearing the Revision Petitioners and Ms.R.Anitha, learned Special Government Pleader appearing for the respondent.

9. Mr.R.Sankarasubbu, learned Counsel appearing for the Revision Petitioner submits that the Second Defendant willfully and wantonly disobeyed the Order passed in I.A.No.504 of 2014 in O.S.No.116 of 2014 and thereby, breached the Order of temporary injunction passed by the Trial Court. Despite the injunction Order, the Second Defendant registered the Sale Deed dated December 2, 2014 executed by the first defendant in favour of G.Sathiya and G.Jeevitha. The act of the Second



defendant is willful, wanton and disobedient on the face of record. Hence, the Trial Court without considering the said facts, closed the Interlocutory Application in I.A.No.45 of 2017 in O.S.No.116 of 2014 which is erroneous in law. Accordingly, he prays to allow the Civil Revision Petition.

10.In response to the above argument, Ms.R.Anitha, learned Special Government Pleader submits that the Second Defendant is not a necessary party to the Suit. The real dispute is between the plaintiffs and the first defendant alone in which the second defendant is no way connected. The Second Defendant is unnecessarily added as a party. Further, no order of injunction can be granted against the Statutory Authorities forbearing their duty. She further submits that the Joint-I Sub Registrar has no intention or willful intention to disobey the Order of the Trial Court. Hence, the Trial Court rightly closed the Application in I.A.No.45 of 2017 in O.S.No.116 of 2014 filed under Order XXXIX, Rule 2(A) and Section 151 of CPC. Accordingly, she prays to dismiss the Civil Revision Petition.

11.This Court has considered both sides submissions and perused the plaint. The question whether the Suit Properties are ancestral



properties or separate properties of the first defendant's husband namely

Gurusamy can be gone into only during the time of trial. After conclusion of the trial, if the Trial Court concludes that the Suit Properties are joint family properties, the plaintiffs would have right, title and interest over the Suit Properties. If the Trial Court concludes that the properties absolutely belongs to Gurusamy, in such case, the plaintiffs would have no right, title and interest over the Suit Properties. The Trial Court without considering the nature of the Suit, allowed the Interlocutory Application in I.A.No.504 of 2014 in an one line Order, without assigning any reason. Whether the Joint – I Sub Registrar received the notice, whether the Order of Injunction was communicated to the Second Defendant / Joint-I Sub Registrar or not, Whether he willfully and wantonly disobeyed the Order passed in I.A.No.504 of 2014 are all can only be decided in a proper enquiry and by adducing oral and documentary evidence. Hence, in these circumstances, the Trial Court concluded that there is no sufficient material available on record to come to the conclusion that the Second Defendant / Joint-I Sub Registrar committed a breach of the Injunction Order. Accordingly, the trial Court closed the Application in I.A.No.45 of 2017.

12.This Court does not find any irregularity or illegality with



CRP (PD) No.32 of 2019

the said Order. However, all the contentions raised in I.A.No.45 of 2017 and the contentions raised before this Court through this Civil Revision Petition be kept alive and shall be decided at the time of final disposal of the Suit.

13.With the above observation, this Civil Revision Petition is dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

31.10.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
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CRP (PD) No.32 of 2019

To
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- 1.The Additional District Judge
Mahila Court,
Cuddalore.
- 2.The Joint I Sub – Registrar
Thirupapuliyur,
Cuddalore.



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CRP (PD) No.32 of 2019

R.SAKTHIVEL, J.

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CRP (PD) NO.32 OF 2019

31.10.2025

Page No.10 of 10