



C.R.P.No.290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.290 of 2024
and
C.M.P.No.1353 of 2024

E.V.P. and S.V. Sri Ramulu Education
Trust represented by its Chairman
Mrs. P.S. Rajeswari, having office at
No.27, V. Madley road, T.Nagar,
Chennai-17.

... Petitioner

vs.

1.C.Mani

2.Manoharan

3.M.Senthilnathan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow the above Civil Revision Petition by setting aside the Fair and Decretal Order dated 10.07.2023 passed in C.M.A.No.7 of 2018 on the file of the Sub-Court, Madurantagam confirming the Fair and Decretal Order dated 01.02.2018 passed in I.A.No.1271 of 2016 in O.S.No.134 of 2016 on the file of the District Munsif Court, Madurantagam.



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For Petitioner : Mr.K.Govi Ganesan

For R1 : Mr.N.Ravikumar

For R2 and R3 : Mr.N.Nagu Sah

ORDER

The Civil Revision Petition is filed challenging the order passed by the Appellate Court in C.M.A.No.7 of 2018, dated 10.07.2023 dismissing the appeal filed by the petitioner, which was filed challenging the grant of temporary injunction in favour of 1st respondent/plaintiff by the Trial Court in I.A.No.1271 of 2016 in O.S.No.134 of 2016, dated 01.02.2018.

2. The 1st respondent filed a suit for declaration that Sale Deed executed by respondents 2 and 3/defendants 1 and 2 in favour of the petitioner/3rd defendant was null and void and for permanent injunction restraining the petitioner and other respondents from interfering with his possession over the suit property, which was described as 0.60 cents out of 2.85 acres in S.No.192/1A, Morappakkam Village, Madurantakam Taluk.



3. According to the 1st respondent, the entire extent of 2.85 acres in the said survey number was purchased by his grand father-Kandan under Registered Sale Deed dated 24.03.1957 marked as Ex.P1 before the Trial Court. Subsequently, the said Kandan and his sons under three documents dated 19.11.1959, 02.06.1961 and 08.01.1964 marked as Exs.P2 to P4, sold 2.25 acres of land in the said survey number in favour of the 2nd respondent. Therefore, according to the 1st respondent, his grandfather-Kandan retained 0.60 cents in the said survey number and the said property retained by his grandfather is the subject matter of the dispute in the present suit. It is also stated by the 1st respondent that after death of his grandfather, he has been in possession and enjoyment of the said property retained by him and the petitioner and other respondents attempted to interfere with his possession. The 1st respondent also acquired knowledge that respondents 2 and 3 sold the entire extent of 2.85 acres more than what they purchased, in favour of petitioner under Sale Deed dated 15.09.1998 marked as Ex.P5. Therefore, the 1st respondent was constrained to file the instant suit for the above said reliefs.

4. Pending suit, the 1st respondent filed an application seeking temporary injunction in respect of 0.60 cents retained by him. The Trial



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Court based on the evidence available on record granted temporary injunction. Aggrieved by the same, the petitioner herein filed an appeal before the First Appellate Court in C.M.A.No.7 of 2018 and the same was dismissed by the First Appellate Court by confirming the findings of the Trial Court. Aggrieved by the same, the petitioner has come before this Court.

5. The learned counsel appearing for the petitioner would submit that the petitioner has proved its possession by producing the revenue patta stands in its name and the Courts below failed to take into consideration the said document. Therefore, the conclusion reached by the Courts below with regard to possession 1st respondent is unsustainable.

6. It is seen from the typed-set of papers that 1st respondent's grandfather-Kandan purchased 2.85 acres of land under Ex.P1, dated 24.03.1957. With regard to the title of 1st respondent's grandfather-Kandan is concerned, there is no dispute. He along with his son sold 2.25 acres in the suit survey number in favour of 2nd respondent-Manoharan under Exs.P2 to P4. Whereas, the said Manoharan sold the entire extent in the said suit survey number including the 0.60 cents retained by Kandan in favour of



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petitioner under Ex.P5, dated 15.09.1998. It was contended by the learned counsel appearing for the respondents 2 and 3 that Manoharan purchased remaining 0.60 cents from Kandan under Oral Sale and enjoyed the entire extent in the suit property. However, the respondents 2 and 3 have not produced any documents to show that they enjoyed entire extent of 2.85 acres in the suit survey number.

7. No revenue documents have been produced to show that the entire extent including 0.60 cents retained by Kandan was possessed by Manoharan. The revenue document filed by the petitioner/3rd defendant came into existence only on 20.12.2017 subsequent to sale in favour of petitioner dated 15.09.1998. Based on the Sale Deed executed by respondents 2 and 3 in respect of entire extent in favour of petitioner, he appeared to have obtained patta in his name for entire extent. In the absence of any revenue documents to show that petitioner's vendor Manoharan enjoyed the entire extent of 2.85 acres, no weightage can be given to the patta issued in the name of petitioner, which came into existence based on the Sale Deed in his favour.



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8. As mentioned earlier, there is no dispute with regard to the title of Kandan in respect of entire extent of 2.85 acres. Infact, petitioner's predecessor-in-interest also claimed that he purchased the remaining extent retained by Kandan under oral Sale Deed. Whether there was oral or not as pleaded by Manoharan can be gone into only at the time of final disposal based on the evidence to be let in by respective parties. The Trial Court rightly appreciated the same and granted temporary injunction based on the case made out by the 1st respondent/plaintiff and the same was confirmed by First Appellate Court. I do not find any error or perversity in the order impugned in this civil revision petition.

9. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

WEB COPY

1.The Sub-Court, Madurantagam.

2.The District Munsif Court,
Madurantagam.



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S.SOUNTHAR, J.

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