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Civil Revision Petition No. 86 and 265 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 08.04.2025**

**CORAM**

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**C.R.P.PD.Nos. 86 and 265 of 2025**

1. M/s.South India Schedule Tribes  
Welfare Association,  
(Registration No.205/1972),  
Represented by its Secretary, Mr.K.Ragupathy,  
New No.579, Old No.369,  
Anna Salai, Saidapet, Chennai – 600015.

2. V.Kumarakurubaran,
3. R.Srinivasan,
4. A.Ramadoss

...Petitioners in both C.R.Ps

Versus

Mrs.Subburathinammal, (Deceased)

1. Mr.S.Ramkumar,
2. Mrs.Regina Devaki

Mr.R. Subramanian (Died)

3. Mr.R.Lakshminarayanan.
4. Mr.R.Muthuraman
5. Ms.G.Sriranjani,
6. Mrs.Ghowthami
7. V.T.Kannan

.....Respondents in both C.R.Ps



**Prayer in both C.R.Ps:** Civil Revision Petitions filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 13.12.2023 made in I.A. No. 211 of 2019 and I.A.No.209 of 2019 in O.S.No.69 of 2015 on the file of the District Munsiff cum Judicial Magistrate, Uthiramerur.

For Petitioners : Mr.P.Subba Reddy  
For Respondent-1 : Died  
For Respondents  
2 and 3 : Mr.N.Kumar Rajan  
For Respondents  
4 to 7 : Not ready in notice

**COMMON ORDER**

The plaintiffs seek to challenge the orders passed by the learned District Munsif cum Judicial Magistrate, Uthiramerur in and by which the learned Judge has proceeded to dismiss the aforesaid applications filed seeking damages of Rs.2,00,000/- for violating the interim orders and to punish the respondents for disobeying the injunction order.

2. The case of the plaintiffs is that they had filed a suit O.S.No.69 of 2005 on the file of the aforesaid Court for a declaration that the Sale Deed dated 11.09.2008 executed by the 1<sup>st</sup> defendant represented by her power agent, the 2<sup>nd</sup> defendant in favour of the 3<sup>rd</sup> defendant is null and void and



would not bind the plaintiffs and that after cancellation to intimate the same to the concerned Sub Registrar, for an injunction restraining the defendants 1 to 8, from interfering, disturbing, constructing, selling, mortgaging or in any way encumbering the peaceful possession and enjoyment of the suit schedule property by the plaintiffs and for a direction to the defendants 1 to 3 to pay a sum of Rs.10,000/- per month as damages for causing mental hardship to the plaintiffs.

3. After filing of the written statement, the plaintiffs had come forward to file I.A.No.250 of 2017 for an injunction restraining the defendants, their men, agents, servants or anybody working under them from dealing with the suit property by way of sale, mortgage or any other mode of conveyance pending disposal of the suit. This application, after contest, was allowed on 04.11.2017 in and by which the defendants were restrained from interfering with the plaintiffs' possession and there was also a direction that the plaintiffs would not alienate the suit property till the disposal of the suit. The said order was challenged by defendants 2 and 3 in C.M.A.No.19 of 2017 before the Principal Subordinate Court,



Kancheepuram. By order dated 02.08.2018, the learned Principal Subordinate Judge, Kancheepuram was pleased to dismiss the appeal.

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4. Since there was a violation of the interim orders, the plaintiffs have filed I.A. Nos. 209 and 211 of 2019. However, the learned District Munsif-cum-Judicial Magistrate, Uthiramerur, passed a non-speaking order dismissing the said applications. The only ground for rejection of these applications is that, against the interim order granted in I.A. No. 250 of 2017, the defendants 2 and 3 had preferred C.M.A. No. 19 of 2017 before the Subordinate Court, Kancheepuram, which was also dismissed. Against that order, defendants 2 and 3 filed C.R.P. No. 3108 of 2019 before this Court. While disposing of the revision, this Court was pleased to order an early disposal of O.S. No. 69 of 2015 within a period of 9 months from the date of the order. Since 4 months out of the 9 months had already expired, the learned Judge was not inclined to pass an order in I.A. No. 211 of 2019. However, I.A. No. 209 of 2019 was dismissed on the ground that there was no interim order regarding the damages claimed. Against these orders, the present revisions have been filed.



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5. A cryptic order has been passed by the learned District Munsif cum Judicial Magistrate, Uthiramerur in dismissing the interlocutory applications. The learned Judge had failed to appreciate that one of the applications that has been taken out is seeking to furnish the respondent for violating the interim order passed by the Court, which is basically an affront to the orders of the Court that had been flouted. By refusing to take up the application and pass orders on merits, the learned Judge has literally shirked his responsibility as the Court of Law which had passed the order of injunction to uphold the majesty of the orders of Court.

6. Since the impugned order does not give any reasons and is a non-speaking one, the said order cannot be allowed to continue and is accordingly set aside. The matter is remitted back to the District Munsif cum Judicial Magistrate, Uthiramerur to hold a fresh enquiry in I.A. No. 211 of 2019 and I.A. No. 209 of 2019 and pass a speaking order, after hearing both the parties and perusing the records. At this juncture, the learned counsel for the plaintiffs would submit that in the earlier round of litigation, this Court had fixed a time limit for disposing the suit. However, the learned counsel would submit that the interlocutory



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applications have to be first considered before proceeding with the suit.

Considering the said submission, the learned Judge shall first take up the interlocutory applications and pass appropriate orders before proceeding to dispose the main suit. The suit shall be disposed off within a period of 6 months from the date of disposal of I.A.Nos.209 and 211 of 2019.

7. With the above observation and direction, this Civil Revision Petition is allowed. No costs.

**08.04.2025**

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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To,

The District Munsif cum Judicial Magistrate, Uthiramerur



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**P.T.ASHA, J.,**

srn

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