



O.A. No.106 of 2025 and A. No.4275 of 2025

in

C.S. No.18 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O. A. No.106 of 2025 and A. No.4275 of 2025

in

C.S. No.18 of 2025

O. A. No.106 of 2025

N. Prema W/o. Late Dr. E. Narasingh ... Applicant/ Plaintiff

Vs

1. N. Harinath Singh S/o. Late E. Narasingh ... 1st Respondent /1st Defendant
2. B. Sunitha W/o. B. Balaji
3. B.S. Anitha W/o. Bhaskarsingh
4. B. Tanuja W/o. B. Balajisingh
5. N. Nandhini W/o. Nagendra ... 2-5 Respondents / Defendants

A. No.4275 of 2025

N. Harinath Singh S/o. Late E. Narasingh ... Applicant/ 1st Defendant

Vs

1. N. Prema W/o. Late Dr. E. Narasingh ... 1st Respondent / Plaintiff
2. B. Sunitha W/o. B. Balaji
3. B.S. Anitha W/o. Bhaskarsingh
4. B. Tanuja W/o. B. Balajisingh
5. N. Nandhini W/o. Nagendra ... 2 - 5 Respondents / Defendants



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PRAYER in O.A. No.106 of 2025: This application has been filed under

Order XIV Rule 8 of Original Side Rules read with Order XXXIX Rule 1 and 2 of Code of Civil Procedure praying to grant ad interim injunction restraining the 1st respondent / defendant, his men, agents, servants or anyone claiming right either under or through him from in any manner dealing with the Suit property including alienating, encumbering and demolishing the Suit schedule mentioned property pending disposal of the Suit.

PRAYER in A. No.4275 of 2025: This application has been filed under Order XIV Rule 8 of Original Side Rules read with Order XXXIX Rule 4 of Civil Procedure Code praying to vacate the interim order of injunction dated 10.02.2025 in O.A. No.106 of 2025.

O.A. No.106 of 2025

For Applicant /
Plaintiff : Mr. K.V. Babu



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for Respondents

R1 : M/s. R.V. Gayathri
for M/s. P.B. Ramanujam Associates

R2 - R5 : No appearance.

A. No.106 of 2025

For Applicant /

1st Defendant : M/s. R.V. Gayathri
for M/s. P.B. Ramanujam Associates

COMMON ORDER

The *Original Application in O.A. No.106 of 2025* has been filed praying to grant ad interim injunction restraining the 1st respondent / defendant, his men, agents, servants or anyone claiming right either under or through him from in any manner dealing with the Suit property including alienating, encumbering and demolishing the Suit schedule mentioned property pending disposal of the Suit. The *application in A.No.4275 of 2025* has been filed praying to vacate the interim order of injunction dated 10.02.2025 in O.A. No.106 of 2025.



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2. For the sake of convenience and brevity, the applicant / Plaintiff in O.A. No.106 of 2025 and the 1st respondent / Plaintiff in A. No.4275 of 2025, hereinafter, will be referred to as 'applicant' and the applicant / 1st defendant in A. No.4275 of 2025 and the 1st respondent / 1st defendant in O.A. No.106 of 2025, hereinafter, will be referred to as 'respondent' .

3. According to the applicant, she is the Plaintiff in the main Suit and the Suit property originally owned by the father-in-law of the applicant, Late Dr. N. Thulasiram and he had purchased the said property under a Sale Deed dated 24.08.1961. The said property was gifted through a Deed of Gift dated 27.09.1978 to the 1st respondent / defendant, who is the son of the Plaintiff. At the time of said Gift Deed, he was aged only about 3 years. The husband of the Plaintiff namely Late Dr. E. Narasingh was appointed as the natural gaurdian of the 1st respondent / defendant. After the Gift Deed, the husband of the applicant put up a super-structure over the said land consisting of

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Ground, First and Second floors from and out of self acquired funds. The

very purpose of Gift Deed was only to facilitate her husband and his family to have a permanent income for the welfare of the family. Taking advantage of the Gift Deed executed in the name of the 1st defendant, now he is attempting to alienate the property including the super-structure, which was constructed by the husband of the Plaintiff. The husband of the Plaintiff died on 15.05.1993 leaving behind the applicant and the respondents / defendants as his legal heirs to succeed his estate. Therefore, she filed the main Suit. During the pendency of the Suit, the respondent is attempting to create encumbrance over the property. Therefore, the applicant filed the application for grant of interim injunction. Prima facie case is made out and balance of convenience is also lying in favour of the applicant. If the application is not allowed, irreparable loss would be caused to the applicant.

4. According to the respondent, he is the 1st defendant in the main



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Suit. The main Suit was filed by his mother seeking relief of partition and consequential injunction. The filing of Suit itself is not maintainable. There is no locus standi to seek for partition. The Plaintiff does not disclose any cause of action and the Suit is barred by limitation. The Suit property is not a family property, but self-acquired property of his grand father Late Dr. N. Thulasiram. By suppressing the vital facts and relevant particulars, the Plaintiff has proceeded to obtain an order of interim injunction behind the back of the respondent. Already the respondent has filed his Written statement in the main Suit. The father of the respondent, during his life time, voluntarily and in the interest of the minor respondent / 1st defendant constructed the ground floor portion of the Suit property. Thereafter, the Suit property was let out to tenants in the year 1986 by his father. Subsequently, the tenants put up the second and third floors in the property. All other averments made in the application are denied as false. The Plaintiff voluntarily chose to reside with her other daughter and the respondent has no

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any intention to alienate the property. Therefore, he filed the application to vacate the interim injunction and the interim order passed by this Court has to be vacated and the Original Application in O.A. No.106 of 2025 is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.

6. According to the applicant, the respondent is attempting to alienate and to create encumbrance. But the respondent denied the said allegations and he has no intention to create encumbrance over the property. Therefore, without going into the merits of the case, by recording the above said undertaking given by the respondent namely N. Harinath Singh S/o. Late E. Narasingh that he has no intention to alienate the property and to create encumbrance of the property, this Court is inclined to dispose of these



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applications by directing the respondent N. Harinath Singh S/o. Late

E. Narasingh not to alienate or to demolish or to create encumbrance over the
schedule mentioned property till the disposal of the main Suit.

7. Accordingly, these applications are *disposed of. There shall be no
order as to costs.*

10.11.2025

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P.DHANABAL.,J

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