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CRP No. 943 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 943 of 2024

and

CMP No.4728 of 2024

1. Sahaya Josephine
W/o.Susai Selvanathan,
Plot No.3/99, Subramania Bharathi
Street,
M.A. Nagar, Red Hills,
Chennai 600 052.

2. Susai Selvanathan
S/o. Mr. Kulandaisamy,
Plot No.3/99, Subramania Bharathi
Street,
M.A. Nagar, Red Hills,
Chennai 600 052.

Petitioner(s)

Vs

M/s. Confidence Petroleum India Ltd.,
Rep by Sachin Varghese,
22/21, 6th West Cross Street,
Shenoy Nagar, Chennai 30.
L.M. Crescent Ground.

Respondent(s)



PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 14.02.2024 passed by the IV Additional District Court Tiruvallur at Ponneri in IA No.2 of 2023 in CMA No.16 of 2023.

For Petitioner(s): Mr.P.Sesubalan Raja

For Respondent(s): Mr.S.Vijay

ORDER

Heard Mr.P.Sesubalan Raja, learned counsel for the petitioner and Mr.S.Vijay, learned counsel for the respondent.

2. The plaintiffs had sought for relief of permanent injunction to restrain the defendants from carrying out any work in the suit premises. Along with the suit in O.S.No.149 of 2023, an Interlocutory Application in I.A.No.4 of 2023 was filed for temporary injunction for the very same prayer that was sought for in the said suit. The trial Court initially granted an order of status quo and after detailed enquiry, by order dated 18.10.2023, while vacating the order of status quo, granted interim injunction till the disposal of the suit and allowed I.A.No.4 of 2023. Challenging the said order dated 18.10.2023, the revision petitioners



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have filed C.M.A.No.16 of 2023 and pending the said C.M.A., the revision petitioners sought for stay of operation of the order dated 18.10.2023 passed in I.A.No.4 of 2023 in O.S.No.149 of 2023, in I.A.No.2 of 2023. The first Appellate Court dismissed the said I.A.No.2 of 2023. As against which, the revision petitioners have filed the present petition.

3. On perusal of the order passed in I.A.No.2 of 2023, I find that the First Appellate Court, finding that the trial Court has noticed that the respondent has not paid the agreed amount of Rs.2,00,000/- and that the Gas tank was installed in the suit property by the respondent and the same was removed from the suit property, which was evidenced by Ex.R8 and thereafter, the revision petitioners have entered into an agreement with some third party in respect of the suit property, has proceeded to dismiss the application for stay. As rightly contended by Mr.P.Sesubalan Raja, learned counsel for the petitioners, virtually the Court appears to have decreed the suit, without the parties having to go to trial and the relief sought for by way of interim injunction is the same as sought for in the main suit.



4. In the light of the above, considering the admitted fact that now the third party is in peaceful possession of the property and they are running a TATA showroom in the said premises, the first Appellate Court ought to have stayed the operation of the order passed by the trial Court. In fact, it is the contention of the plaintiff that the plaintiff was forcibly evicted from the premises and only thereafter the property was handed over to the third party and thereafter, the suit was filed and the construction was going on. Therefore, the relief that was sought for, as couched in the applications as well as in the plaint. Be that as it may, considering that today the showroom has come up at the instance of a third party and the said third party is in possession and the showroom is being operated by the third party as lessee under the revision petitioners, the order dismissing I.A.No.2 of 2023 in C.M.A.No.16 of 2023 would seriously prejudice the interest of the third party, who has been put in possession, subsequent to the agreement entered into with the revision petitioners.

5. It is brought to my notice by the learned counsel for the revision



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petitioners that the lessee to whom the property has been handed over under the lease deed/agreement has put up a showroom and is in possession and occupation of the suit property. It is seen from the plaint itself that the plaintiff has indirectly and impliedly admits that the possession is only with the defendants.

6. In the light of the above, it would suffice to direct the parties to argue the pending C.M.A.No.16 of 2023.

7. In view of the above, I do not see any purpose with the parties flogging a dead horse, which is the relief for injunction to restrain the defendants not to carry out any construction in the suit property. The said relief is not available as on date. According to the learned counsel for the respondent, however, in view of the allegation made in the plaint that the plaintiff was forcibly dispossessed from the property and he has to canvas the same, subject to the plaintiff making out a case that the reliefs which are proposed to be sought for by way of amendment, are within time and permissible under law, the plaintiff is permitted



to amend the plaint suitably and shall also be at liberty to implead the present lessee as a party to the suit for effective adjudication. The revision petitioners as

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well as the proposed defendant shall be heard and after enquiry, the trial Court shall dispose of the application for the amendment of plaint and impleadment, if any filed, within a period of eight weeks from the date of receipt of a copy of this order.

8. For the foregoing discussions, I do not see any purpose in keeping C.M.A.No.16 of 2023 pending. Resultantly, the civil revision petition is allowed with the above directions and C.M.A.No.16 of 2023 shall also stands closed. The parties shall work out their respective rights before the trial Court in O.S.No.149 of 2023. No costs. Consequently, connected Miscellaneous Petition is closed.

13-08-2025

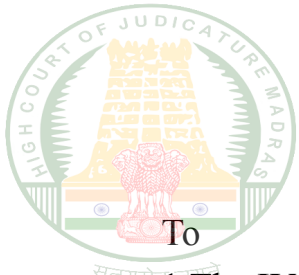
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The IV Additional District Court Tiruvallur,
Ponneri.

2. The Principal Sub Judge,
Ponneri.



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P.B.BALAJI J.
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