



A.No.2915 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 25.08.2025	PRONOUNCED ON 27.10.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.No.2915 of 2025

in

C.S.No.141 of 2025

S.V.Shamundeshwari

...Applicant/ Plaintiff

vs.

1.M.V.R.K.Appa Rao

2.Kalavathi Prakash

3.M.V.Pravalikha Appa Rao

4.M.V.LakshmiReethika

5.Konarak Prakash

6.P.Kirthana

7.Narayana Olumpaid School

No.7A, New No.12/1. New Avadi Road,

Near Nadhamuni Signal, Villivakkam,

Chennai – 600 049.

and another address

M/s.Narayana Olumpaid School,

No.2, New No.7, Conran Smith Road,

Gopalapuram, Chennai – 600 086.

8.Santhosh,

9.The Sub-Registrar,

Sub Registration District of Joint I Chennai Central

Registration District of Chennai Central,



182, Bharati Salai, Pycrofts Road,
Royapettah, Chennai – 600 014.

10. The Sub-Registrar,
Sub Registration District of Neelankarai,
Registration District of Chennai South,
2/92, SH 49, Kazura Garden,
Neelankarai, Chennai – 600 041.

... Respondents/ Defendants

For Applicant : Mr.P.Subba Reddy

For Respondent : Mr.K.Hari Shankar for Caveator RR1 to 6

Mr.T.Arun Kumar for RR 9 & 10
Additional Government Pleader

ORDER

This Application had been filed to direct the respondents 1 to 3 to furnish Bank accounts operated jointly by the respondents 1 to 3 along with deceased Mr.M.V.G.K.Appa Rao from the year 2016, till his death in the Union Bank of India, (Mowbrays Road), now T.T.K.Road, Mylapore Branch, Chennai or in any other banks jointly operated or operated by Mr.M.V.G.K.Appa Rao and further to grant interim injunction restraining the defendants 1 to 6 in dealing with the “A” schedule properties more-fully described in the Judges summons pending disposal of the suit.

2. Heard Mr.P.Subba Reddy, learned counsel appearing for the applicant, Mr.K.Hari Shankar, learned counsel appearing on behalf of the respondents 1



to 6 and Mr.T.Arun Kumar, learned Additional Government Pleader appearing for the respondents 9 & 10.

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3. Mr.P.Subba Reddy, learned counsel appearing for the applicant would submit that the plaintiff, first and second respondents are the siblings of one Mr.M.V.G.K.Appa Rao, who died as a bachelor on 21.02.2025. He would submit that the suit had been instituted by the applicant seeking for various reliefs primarily for a relief of partition of the suit A-schedule property and for a declaration of various documents to be null and void. He would further submit that the deceased Mr.M.V.G.K.Appa Rao had held bank accounts in various banks and the same is being jointly operated by the respondents 1 to 3. He would submit that the said Mr.M.V.G.K.Appa Rao had died intestate and the Will that is claimed to have been executed by him had been created in collusion by the respondents without the knowledge of him.

4. That apart, he would submit that the various documents which had been purportedly executed by the deceased had been executed without the actual knowledge of the deceased, as he had suffered from brain hemorrhage in the year 2016 and his left hand and leg became paralyzed. In fact the deceased had been having the habit of signing, however, the Power of Attorney had been



executed by getting the thumb impression of the deceased, which itself would show that the criminal intention of the respondents in defrauding the deceased to usurp his properties. Therefore, he would pray this Court to grant a direction to the respondents 1 to 3 to furnish the bank accounts operated jointly by them along with the deceased till the date of his death and also to grant an injunction restraining the defendants 1 to 6 from dealing with the A-scheduled properties more-fully described in the schedule to the suit.

5. Countering his arguments, Mr.K.Hari Shankar, learned counsel appearing on behalf of the respondents 1 to 6 would submit that the suit itself is not maintainable, as it has been filed based on the imaginary and illusory cause of action. He would further submit that the applicant has also been benefited by various arrangements which he had entered upon along with the deceased. Having taken the benefit of such arrangements, the plaintiff is now attempting to grab the properties belonging to the defendants under various documents.

6. He would further submit that when the deceased had suffered with pulmonary ailment, it is only the third defendant who had single handily taken



care of him and assured his well-being and the applicant who was the sister of the deceased had never bothered to care for the deceased. Even under the Will, the deceased has bequeathed certain properties to the plaintiff's grandchildren through her son and to the plaintiff's daughter. No property had been bequeathed to the plaintiff's son and only at this instance the plaintiff had filed the present suit. He would further submit that a Will had been executed by the deceased on his own volition and instruction through his Advocate. He would further submit that the deceased had been mentally alert and in command of all his faculties and had validly executed the Will. None of the medical records also do not suggest any mentally ill capacity of the deceased. He would submit that taking an opportunity of the death of the elder brother of the family, the applicant is now attempting to grab the properties which were bequeathed by the deceased in favour of the others.

7. He would further submit that the banks had been instructed expressly to convert his bank accounts and fixed deposits held by him as a joint account with the third defendant. The same has also been communicated to all members of the family including the plaintiff and therefore, the claim of the plaintiff is wholly without any basis.



8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

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9. The applicant had filed the present application seeking for a direction to disclose the bank account jointly operated by the respondents 1 to 3 along with the deceased Mr.M.V.G.K.Appa Rao and also for an injunction restraining the defendants from any manner dealing with the property. From the pleadings and the arguments that has been made before this Court, it is not disputed that the deceased had suffered a brain hemorrhage and was affected with paralyzes on his left limbs.

10. It is an admitted case of the applicant that the deceased had bank accounts and fixed deposits which was jointly operated by respondents 1 to 3. The suit had been filed with regard to the partition of the suit A-schedule mentioned property and in the plaint, he had not sought for partition of the accounts held by the deceased in the banks including the fixed deposits. The reliefs are also only with regard to the immovable properties and not with the movables. Even though, a pleading had been made with regard to the rents from the properties as indicated and also joint bank accounts particularly in paragraph 37 of the plaint, there has been no prayer in the suit seeking for



mesne profits or even partition of the bank accounts held by the deceased nor has the plaintiff reserved any right to include the movables.

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11. In such view of the matter, this Court is unable to comprehend the relief that is sought for in this present application by way of an interlocutory relief to direct the respondents 1 to 3 to furnish the details of the bank accounts and fixed deposits, they held jointly with the deceased. Further injunction that has been sought for with regard to A-schedule property can also be only determined after trial and the final arguments in the suit. It is also to be noted that if any alienation that takes place pending the suit, the same would be governed by the principles of *lis pendens* and in such view of the matter, this Court is also not inclined to entertain the relief of injunction as prayed for.

12. In fine, the application stands dismissed. However, there shall be no order as to costs.

27.10.2025

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU.J.,

Gba

Pre-Delivery Order in
A.No.2915 of 2025
in
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