



W.P.(NPD)No.150 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

Coram

The Honourable **Mr.Justice N.Sathishkumar**

C.R.P.(NPD) No.150 of 2025

Chinnaiyan @ Krishnasamy

..Revision Petitioner

Vs.

1. Mr.Sivasubramanian
2. Mr.Arumugam

...Respondents

Prayer

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order of the learned Sub Judge, Thiruvarur, in C.M.A.No.07/2017 dated 17.02.2022 confirming the order of dismissal of I.A.No.314 of 2009 in O.S.No.96 of 2009 dated 04.01.2017, on the file of the District Munisif Cum Judicial Magistrate Court, Nannilaim, Tiruvarur District.

For Revision Petitioner : Mr.Chinnaiyan @ Krishnasamy
Party-in-person

Order

This Civil Revision Petition has been filed challenging the order passed by the learned Sub Judge, Thiruvarur (Appellate Court) in C.M.A.No.07/2017 dated 17.02.2022, whereby, the order of dismissal



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passed by the learned Trial Court, in I.A.No.314 of 2009 in O.S.No.96 of 2009 dated 04.01.2017, was confirmed.

2. The revision petitioner, who is appearing in person would submit as per the Will executed by his father, Mr.Govindasamy, 'A' schedule property was allotted to him, 'B' schedule property was given in favour of the second defendant, his brother, and that the northern side was allotted to the plaintiff and southern side was allotted to the second defendant, since the respondents 1 and 2 in connivance with each other have tried to cause hindrance over the plaintiff's property, by putting up a construction, the revision petitioner has filed the suit seeking for permanent injunction, however, pending suit, since the respondents/defendants have tried to put up construction, the revision petitioner filed an application in I.A.No.314 of 2009, seeking for temporary injunction, however, both the Trial Court as well as the Lower Appellate Court have erroneously failed to consider the revision petitioner's case in a proper perspective. Hence, the revision petitioner/party-in-person prayed for allowing this Revision Petition.

3. Heard the revision petitioner, who appeared in person and perused



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the materials available on record.

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4. I am unable to accept the contention of the revision petitioner.

5. The revision petitioner/plaintiff filed a suit against the respondents/defendants seeking for the relief of permanent injunction, restraining the respondents/defendants from putting up any construction in the suit property. The suit was instituted on the basis of a Will alleged to have been executed by the revision petitioner's father Mr.Govindasamy that 'A' schedule property was allotted to the revision petitioner, 'B' schedule property was given in favour of the second defendant, his brother, and that the northern side was allotted to the plaintiff and southern side was allotted to the second defendant; that since the first defendant in connivance with the second defendant is causing hindrance over the revision petitioner's property, in the absence of any material evidence to show that the revision petitioner is in possession of the suit property and further when it is the specific defence of the respondents/defendants that the building was already in existence in the suit property, this Court is of the view that the Trial Court on



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appreciation of all the above aspects in a proper perspective, has rightly dismissed the Application seeking for temporary injunction, which was infact, upheld by the Lower Appellate Court. Hence, this Court does not find any illegality or perversity in the orders passed by the Courts below. Further, this Court would like to point out herein that to claim the relief of interim injunction, the revision petitioner has to establish his right/title/interest over the property, in the absence of any material evidence to prove his possession over the suit property, the claim of the petitioner cannot be considered. Thus, as long as the possession has not been established, any application filed seeking interim injunction or preventive relief cannot be granted.

6. In the result, I do not find any merits in the Revision Petition and hence, the same is dismissed as being devoid of merits. No costs.

20.01.2025

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Index : yes/no

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1. The Sub Judge, Thiruvarur.
2. The District Munisif Cum Judicial Magistrate Court,
Nannilaim, Tiruvarur District.

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N.Sathishkumar,J.,

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