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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.Nos.2098 and 2099 of 2025
and
C.M.P.Nos.18293 and 18297 of 2025

T.S. Saravanan ... Appellant in both the appeals
Vs.

K. Rajagopal ... Respondent in both the appeals

PRAYER in C.M.A.No.2098 of 2025 : Civil Miscellaneous Appeal
filed under Order XLIII Rule 1 of C.P.C to set aside the fair and final
order dated 05.06.2025 passed in I.A.No.4 of 2023 in O.S.No.384 of 2023
on the file of the II Additional District Court, Tiruchengode and allow this
Civil Miscellaneous Appeal and pass orders.

PRAYER in C.M.A.No.2098 of 2025 : Civil Miscellaneous Appeal
filed under Order XLIII Rule 1 of C.P.C to set aside the fair and final
order dated 05.06.2025 passed in I.A.No.3 of 2023 in O.S.No.384 of 2023
on the file of the II Additional District Court, Tiruchengode and allow this
Civil Miscellaneous Appeal and pass orders.

(In both the appeals)

For Appellant: Mr.S. Mukunth, Senior Counsel for
Mr.N.Jayakumar

For Respondent: Mr.Arun Anbumani for S. Rajmakesh



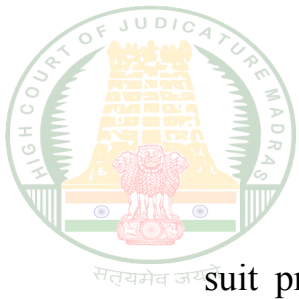
COMMON JUDGMENT

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The appellant had filed these appeals to set aside the common order dated 05.06.2025 passed in I.A.Nos.3 and 4 of 2023 in O.S.No.384 of 2023 on the file of the II Additional District Court, Tiruchengode and allow this Civil Miscellaneous Appeal.

2. The facts of the case is that the original suit was filed by the respondent/plaintiff herein praying for cancellation of a sale deed dated 11.08.2022, registered as Document No.7040/2022 on the file of Sub registrar Tiruchengode and for Injunction restraining the defendants from interfering with the peace possession and enjoyment of the plaintiff over the suit schedule property. I.A.No.3/2023 and I.A.No.4 of 2023 are filed by the plaintiff praying for grant of ad-interim injunction against the defendant his agents and men from alienating or encumbering the suit property and ad interim injunction against the defendants and his agents etc., from interfering with the peaceful possession and enjoyment of the plaintiff over the suit property respectively. The above IA was allowed by the Court below vide order dated 05.0.2025. Challenging the same, the appellant had filed the present appeals.

3. The learned counsel for the appellant submits that originally the



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suit property belongs to him. An agreement of sale arose between the appellant and respondent as security for loan transaction. After execution of the agreement of sale the appellant herein become the absolute owner of the suit-schedule property having purchased the same from the respondent and the property was registered Vide sale deed dated 11.08.2022 registered as Doc.No.7047/2022 on the file of the Sub-Registrar, Thiruchengode. . Hence, prays to allow this appeal.

4. The learned counsel for the respondent submits that the sale transaction is not a valid one and it was only a loan transaction between the appellant and the respondent. The said fact was properly considered by the Court below and they have allowed the I.A.No.3/2023 and I.A.No.4 of 2023 vide order dated 05.06.2025, which needs no interference by this Court . He further submits that all the tenants in the subject premises are inducted only by them. Hence, prays to dismiss this appeal.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen that the subject premises is of



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10 portions and the respondent is residing in two portions and the remaining portions are let for tenancy. It is pertinent to note that the appellant is receiving rent for four portions (S.Nos,3,4,5 and 6 in the tabular column mentioned below) and the respondent is receiving rent for another 4 four portions(S.Nos,7,8,9 and 10 in the tabular column mentioned below) and the details are as follows:

<i>Resident Details</i>			
S.No.	Name & Address	Time Period of Residence	Rent paid to
1	K. Rajagopal S/o Kandamy 9, Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	45 years	Own residence
2	M.s Rajalakshmi Constructions, Managing Partner: K. Rajagopal 9, Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	34 years	Own residence
3	P. Soundar (Unitea), S/o Palanivel OD2, Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	1 year 6 months	T.S. Saravanan
4	S. Mithun Raja (MM Dent Care) S/o Saravana Raja, 9/ OD, Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	2 years 3 months	T.S. Saravanan
5.	M. Kathiravan (MKV EV Agency) S/o Muthusamy 9/1 Velur Road, Valaraigate,	6 months	T.S. Saravanan

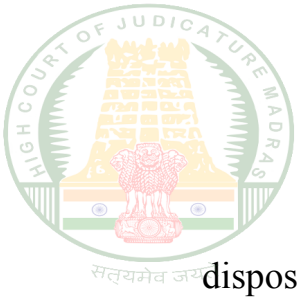


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<i>Resident Details</i>			
	Tiruchengode, Namakkal Dt.637211.		
6.	M. Prakash Kumar, S/o Mariappan 9/ 2, Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	3 years	T.S. Saravanan
7	P.Kumaravel C/o Palaniyandi, OD3, Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	6 months	K. Rajagopal
8	M. Jayakodi (Sri Sakthi Traders) W/o Gunasekaran 9/3 Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	4 years	K. Rajagopal
9	M. Sivakumar (SPM Egg Center), S/o Muthusamy, 9/4 Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	22 years	K. Rajagopal
10	M/s Nalanda TNSC Coaching Center 9/4A, Velur Road, Valaraigate, Tiruchengode, Namakkal Dt.637211.	3 years	K. Rajagopal

7. Considering the facts of the case and the submissions made by the learned counsel appearing on either side, this Court without going into the merits of the appeal dispose both the appeals on the following terms:

a. The II Additional District Court, Tiruchengode is directed to



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dispose of the suit as early as possible.

b. The appellant and the respondent are directed to maintain the status quo with regard to receiving the rent till the disposal of the suit. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

31.07.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The II Additional District Court, Tiruchengode
2. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.



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