



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2929 of 2023

AND

CMP NO. 27498 OF 2023

1. Sri Thiagarajan Enterprises
rep by its Authorized Signatory, No.55,
15th Avenue, Ring Road (Jawaharlal
Nehru Salai) Ashok Nagar, Chennai
600 083

2. G.Thiagarajan
S/o V.Gurumoorthy, No.55, 15th
Avenue, Ring Road (Jawaharlal Nehru
Salai) Ashok Nagar, Chennai 600 083

3. Salvari Thiagarajan
s/o G.Thiagarajan, No.55, 15th Avenue,
Ring Road (Jawaharlal Nehru Salai)
Ashok Nagar, Chennai 600 083

Appellant(s)

Vs

1. S. B.Venkatapuerumal
s/o S.P.Bhagavan Dass Reddiar, No.13,
Shanmugam Road, West Tambaram,
Tambaram Corporation and Taluk,
Chengalpet District



2.R.Jhansi Lakshmi

w/o T.Ram Mohan Rao, No.42, Flat
No.G3, Adithya Apartment, Thirupur
Kumaran Street, Radha Nagar,
Tambaram West, Chennai 600 045

3.E.Jothi Arasu

S/o K.Egambaram, No.4/92, Pillayar
koil street, Vasulambedu,
Thirumudivakkam, Chennai 600 044

Respondent(s)

PRAYER:-Civil Miscellaneous Appeal filed under Order 43 Rule 1 of Civil Procedure Code, praying to set aside the order dated 15.12.2022 in I.A.No.3 of 2022 in O.S.No.421 of 2022 on the file of the Principal District Judge, Kancheepuram District at Chengalpattu.

For Appellants: Mr. L. Palani Muthu

For Respondents: Mr. C. Jagadish For R1
Mr.R.Jayaprakash For R3

JUDGMENT

Challenging the impugned order dated 15.12.2022 passed by the Principal District Judge, Kancheepuram District at Chengalpet made in I.A.No.3 of 2022



in O.S.No. 421 of 2022, the respondents/defendants 1 to 3 have preferred this

Civil Miscellaneous Appeal.

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2. The learned counsel for appellants would submit that the trial court erroneously granted the relief in favour of plaintiff by way of injunction, without considering the fact that they have no right to use the said pathway nor they are entitled to use the same as a common pathway. Therefore, they have prayed to set aside the order passed by the trial court.

3. The learned counsel for 1st respondent/plaintiff by relying the FMB sketch of suit property would submit that dark blue colour shown as a pathway to reach their lands and the same was considered by the trial judge and also prima facie proves that both parties have purchased the lands by showing the said pathway. Therefore, there is no injunction caused to the appellants/defendants by granting interim order. Therefore, he prayed to dismiss this appeal as no merit.

4. Considering both side submissions and on perusal of FMB sketch, which prima facie shows that both parties are having lands adjacent to the suit pathway and as per the said FMB sketch, prima facie, it is a pathway leads to



the plaintiff's land. The learned counsel also pointed out that the properties were purchased by both parties and in survey No.230, the suit pathway is shown as one of pathway, which prima facie shows that there was a pathway, but now the dispute arose about existence of pathway. Therefore, both parties are directed to approach the trial court with regard to their right over the pathway, until then the order of trial judge is sustainable. Accordingly, this Civil Miscellaneous Appeal is dismissed as no merit. No costs.

25-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Principal District Judge, Chengalpattu.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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