



C.R.P.No.5917 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5917 of 2025

and

C.M.P.Nos.29242 and 29243 of 2025

Rajanarayanan

... Petitioner

VS.

Gurusamy

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 28.04.2025 made in I.A.No.2 of 2025 in O.S.No.44 of 2025 on the file of Additional District Munsif Court, Pollachi.

For Petitioner : Mr.G.T.Subramanian

For Respondent : Mr.N.Umapathi



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ORDER

The Civil Revision Petition is filed challenging the interim order passed by the Additional District Munsif Court, Pollachi in an application for ad-interim injunction in I.A.No.2 of 2025 in O.S.No.44 of 2025, dated 28.04.2025.

2. The respondent herein filed a suit in O.S.No.44 of 2025 for declaration of his easementary right over Suit-B Schedule Property and for permanent injunction restraining the petitioner herein from interfering with exercise of easementary right by the respondent. Pending suit, the respondent filed an application for interim injunction in I.A.No.2 of 2025.

3. It is also stated that an *exparte* Advocate Commissioner was appointed and he filed his report. Aggrieved by the same, the petitioner filed an application in I.A.No.6 of 2025 seeking reissue of warrant to the Advocate Commissioner. In the meantime, the Trial Court passed impugned interim order in I.A.No.2 of 2025 by directing the petitioner to maintain



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status quo and not to interfere with the right of user by the respondent till the disposal of I.A.No.6 of 2025 filed by the petitioner. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would submit that when the application filed by the petitioner seeking reissuance of warrant to the Advocate Commissioner is pending, the Trial Court ought not to have passed an order directing the petitioner to maintain *status quo*.

5. A perusal of the impugned interim order would indicate that the same is not a final order passed in I.A.No.2 of 2025. Based on the Advocate Commissioner's report already filed before the Court, the Trial Court directed the parties to maintain *status quo* and not to prevent the respondent from using the cart track, pending disposal of application filed by the petitioner seeking reissuance of warrant to the Advocate Commissioner. Therefore, the petitioner is entitled to make his final argument in I.A.No.2 of 2025 and Court shall pass final orders based on the arguments advanced by the parties.



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6. Taking into consideration, the application in I.A.No.6 of 2025 for reissuance of warrant filed by the petitioner is still pending, the Trial Court is directed to dispose of the said application, within a period of four weeks from the date of receipt of copy of this order. Immediately after disposal of I.A.No.6 of 2025, the Trial Court shall take up I.A.No.2 of 2025 for final disposal and after affording reasonable opportunity to the petitioner and respondent, final order shall be passed in injunction application in I.A.No.2 of 2025, within a period of three weeks, thereafter.

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, the connected civil miscellaneous petitions are closed.

24.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

WEB COM The Additional District Munsif Court,
Pollachi.



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S.SOUNTHAR, J.

dm

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