



O.S.A. No.330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

O.S.A. No.330 of 2025

K.Rajeswari (Died)

1.A.Kalavathi
2.M.Geetha
3.R.Lakshmi
4.K.Ganeshkumar

... Appellants

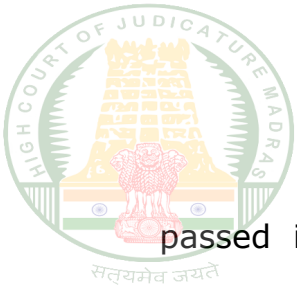
Vs.

1.N.Palanivel Chettiar
2.P.Easwari
3.P.Sargurunathan
4.P.Balaji
5.P.Harinarayanan
6.K.Sivasankari
7.S.Yasotha
8.K.S.Radhika
9.Karthick Kumar
10.Santhosh Murugan

... Respondents

(cause title accepted vide order of Court
dated 25.09.2025 made in
C.M.P. No.23455 of 2025 in OSA SR.
No.117863 of 2025)

Original Side Appeal filed under Order XXXVI Rule II of the Original
Side Rules read with Clause 15 of Letters Patent to set aside the order



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passed in Application No.687 of 2020 in C.S. No.954 of 2008 dated 29.04.2025.

For Appellants : Mr.Abdul Rahman

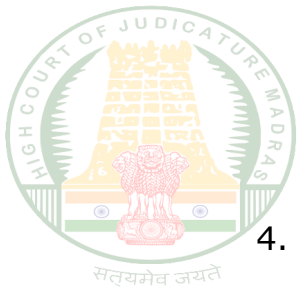
JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

The present Original Side Appeal has been instituted against the order dated 29.04.2025 in Application No.687 of 2020 in C.S.No.954 of 2008 (common order in A.Nos.686 and 687 of 2020).

2. Appellants are the plaintiffs. The appellants have instituted a suit for partition. Along with the suit, an application has been filed to pay 5/6 share of the total advance rental amounts collected for the suit schedule properties. The learned Trial Judge adjudicated the application and granted the relief to the extent of directing the defendants 1 to 6 to continue to pay the sum of Rs.29,625/-, which is to be paid to the appellants/plaintiffs during the pendency of the civil suit.

3. Learned counsel for the appellants would submit that the rental income calculated by the learned Trial Judge is erroneous and the appellants are entitled to get over and above the share amount fixed by the learned Trial Judge in the impugned order.



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4. If at all the rental value has been increased and the defendants are receiving more rent from and out of the suit schedule property since they are in possession, it is for the appellants to produce the evidence, file an application seeking enhancement of interim rental amount to be paid in favour of the appellants. Contrarily, such nature of disputes in the matter of grant of interim orders need not be kept pending in the present appeal. When the appellants have ample opportunity to establish their case before the learned Trial Judge, it is unnecessary to keep the present appeal pending.

5. Granting liberty to the appellants to establish their case through evidences and documents, the present Original Side Appeal stands dismissed. There shall be no order as to costs.

6. The learned Trial Judge is requested to dispose of the suit in C.S.No.954 of 2008 as expeditiously as possible.

[S.M.S., J.] [M.S.Q., J.]
13.10.2025

mmi

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

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**S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.**

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