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O.A No. 780 of 2025
C.S.No.178 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**OA No. 780 of 2025 in
C.S.No.178 of 2025**

1. Suseelarani
2. A.Nalini
3. Kamalakannan

Applicant(s)

Vs

1. S. Kesavan
- 2.Y.Meenakshi
- 3.M.Vinoth Kumar
- 4.Lakshmi Narayanan

Respondent(s)

PRAYER

Original Application filed under Order XIV Rule 8 of O.S.Rules R/w Order 39 Rule 1 of Civil Procedure Code to grant an ad interim injunction restraining the respondents 1 to 3/defendants 1 to 3 from in any manner interfering with the Applicants/Plaintiffs peaceful possession and enjoyment of the suit property/schedule property in Judges Summons, pending disposal of the above suit.



For Applicant(s): Mr.P.S. Amalraj

For Respondent(s): Mr.A.Balasingh for R2 & R3

ORDER

This application has been filed by the applicants / plaintiffs to grant an ad interim injunction restraining the respondents 1 to 3/defendants 1 to 3 from in any manner interfering with the Applicants/Plaintiffs' peaceful possession and enjoyment of the suit property/schedule property till the disposal of the suit.

2. According to the 3rd applicant, he is the 3rd applicant and 3rd plaintiff is the main suit and the averments made in the present application are as follows:-

(i) The main suit has been filed by the applicants for declaration and for permanent injunction. The applicants in this application and the 4th defendant in the main suit are daughters and sons of one Lakshmi and Krishnamoorthy. The schedule mentioned property was originally owned and in possession by maternal grand father, viz., Bangaru Chettiar. The said Bangaru Chettiar purchased the property through sale deed dated 15.10.1959 and got married to one Nagammal and due to the wedlock, a daughter, namely, Lakshmi, who is



the mother of the applicants and 4th defendant was born on 20.07.1951. During the life time, the said Bangaru Chettiyar had also another relationship with one Rajammal and Saraswathi as well. The legally wedded wife of Bangaru Chettiyar, namely, Nagammal died after giving birth to Lakshmi, who is the mother of the applicants /plaintiffs and 4th defendant in the main suit. The said Rajammal and Saraswathi also died without any issues. The said Bangaru Chettiyar also died on 27.10.1981, leaving behind mother of the applicants, viz., Lakshmi as his only legal heir. Hence she alone was entitled to the properties of the said Bangaru Chettiyar.

(ii) The said Lakshmi got married to one Krishnamurthy and had sons and daughters, namely, Suseelarani, Nalini, Kamalakannan and Lakshmi Narayanan. The said Krishnamurthy, father of the applicants died on 09.02.1997 and thereafter, sister of the applicant also died as spinster on 17.03.1997 and another sister, Saraswathi got married with one Srinivasan and had no issues to them and she also died in the year 2003 leaving behind her husband as her legal heirs, while so, the sister of the plaintiffs' grand father, Bangaru Chettiyar, namely, Annakili filed a petition for Letters of Administration in respect of the



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suit property in O.P.No.9 of 1986 on the file of this Court falsely claiming that she is the only legal heir of Bangaru Chettiyar. The plaintiffs' mother contested the above said application and thereby the said petition was converted into T.O.S. No.5 of 1986 and thereafter, the said petition was allowed. The said Annakili was allowed to maintain the suit property up to two years, i.e., 23.07.2004 on executing a security bond in the said T.O.S.No.5 of 1986. This Court categorically set at liberty the said Lakshmi to initiate separate proceedings for declaration as daughter of Bangaru Chettiyar through his wife Nagammal. Further, this Court clearly ordered that the said Annakili shall not create encumbrance or alienation of the property without prior permission of this Court.

(iii) Thereafter, the said Lakshmi, mother of the applicants approached the City Civil Court by filing the suit in O.S.No.3019 of 2004, meantime, the said Annakili died on 21.02.2007. Thereafter, the suit was decreed in favour of the mother of the plaintiffs, viz., Lakshmi on 01.03.2017 and was declared as daughter of the Bangaru Chettiyar. The said Bangaru Chettiyar, during his lifetime, mortgaged the property for the marriage expenses of his daughter, viz.,



Lakshmi. After obtaining a decree from the Civil Court, the said Lakshmi in terms of the Judgment of this Court in T.O.S.No.5 of 1986 started to enjoy the suit property / schedule property and during the lifetime of Lakshmi, ten tenants were occupying the portions on the ground floor of the suit property / schedule property. The 1st floor of the suit property was occupied by Lakshmi, Kamalakannan and 4th defendant. After the demise of Lakshmi on 08.10.2022, the 2nd respondent / 2nd defendant in the year July 2024 approached the applicants and the 4th defendant in the suit and indicated that she purchased the property from the 1st respondent through registered sale deed dated 23.11.2017.

(iv) The 1st respondent though seemed to have obtained the suit property / schedule property by bequeathing from Annakili, the 1st respondent, who was working as servant under Annakili obtained a Will relating to the suit property illegally. The said Annakili was specifically restrained by this Court from alienating the property. Further, without knowledge of the applicants filed a petition in O.P.No.186 of 2014 for probate and the same was also allowed and the applicants filed an application to revoke the orders passed by this Court. Thereafter, the 2nd respondent attempted to alienate the properties in favour of



3rd parties and the applicants / plaintiffs filed a suit and while pendency of the suit, the respondents have attempted to interfere the applicants' possession and enjoyment of the property. All of a sudden, the respondents also demolished the dilapidated condition of the building. However, the applicants are in peaceful possession and enjoyment of the property, therefore, filed this application.

3. The respondents filed counter, wherein it is averred as follows:-

(i) The averments made in the application that the applicants / plaintiffs' grand mother, Nagammal got married to one Bangaru Chettiyar and out of the wedlock, the applicants/ plaintiffs' mother, Lakshmi was born on 20.07.1951 is absolutely false. Further, in the birth certificate, the date is mentioned as 15.02.1951 and the mother's name is mentioned as Manjammal. The Tahsildar issued legal heir certificate by mentioning the name of the mother as Nagammal, whereas in the Judgment in O.S.No.3019 of 2004 dated 01.03.2017, the name of the mother of the applicants / plaintiffs is mentioned as Sarathambal. Therefore, the paternity of the plaintiffs' mother is being questioned by the respondents. The said Bangaru Chettiar married one



Rajammal and Mandiamma after the death of one Nagammal. The said Bangaru Chettiyar has no issues through his two wives.

(ii) The applicants / plaintiffs' mother, viz., Lakshmi filed a suit in O.S.No.3019 of 2004 before the learned V Assistant Judge, City Civil Court, Chennai as against the said Annakili. After filing of the Written statement, the suit was not pursued and thereafter, the suit was dismissed for default on 11.08.2006. In the meantime, the said Annakili died on 21.02.2007. Thereafter, the applicants / plaintiffs' mother filed an application to restore the suit with condonation of delay of 892 days without impleading the legal heirs of the said Annakili and only included Tahsildar, therefore, they obtained decree after the demise of Annakili. The 1st respondent / 1st defendant after knowing the fraud committed by the plaintiffs' mother, he filed an application to set aside the fraudulent order before the V Assistant Judge, City Civil Court, Chennai and the same is still pending. In fact, the said Annakili bequeathed the property to the 1st respondent through the registered Will. The 1st respondent obtained Letters of Administration in O.P.No.186 of 2014 dated 08.03.2016 mutated all the revenue records in his name and he was in possession and enjoyment of the property.



Thereafter, the 1st respondent sold the suit property to the 2nd respondent vide registered document dated 23.11.2017. Thereafter, the 2nd respondent sold the property to the 3rd respondent vide registered document dated 25.04.2025 and he also mutated all the revenue records and he was in possession and enjoyment of the property. Already the 2nd respondent obtained demolition order for the old and dilapidated building. Thereafter, the 3rd respondent bifurcated the property into two portions, one portion was sold to G.N.Ganesh through sale deed dated 30.07.2025 and the other portion was sold to G.N.Kirankumar through sale deed dated 30.07.2025.

(iii) Now, the properties are under the possession of the respective purchasers. The averments in the petition that the applicants / plaintiffs and the 4th defendant are owners and they are in possession are not correct. Therefore, the applicants / plaintiffs are not in possession and enjoyment of the property and they are not entitled to any reliefs and the petition is liable to be dismissed.

4. Heard the learned counsel on either side and perused the entire documents placed on record carefully.



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5. It is seen from the records that the plaintiffs have filed the suit for relief of declaration and permanent injunction. According to the applicants / plaintiffs, they are the owners of the property and the property originally belong to Bangaru Chettiyar and the said Bangaru Chettiyar married one Nagammal and they had a daughter namely, Lakshmi. The said Lakshmi married one Krishnamurthy. The applicants / plaintiffs and the 4th defendant in C.S.No.178 of 2025 have born to the said Lakshmi and Krishnamurthy, therefore, the property belong to Bangaru Chettiyar, after his death derived to the mother of the plaintiffs' Lakshmi and the said Lakshmi died intestate leaving behind the applicants and the 4th defendant to succeed her estate. Therefore, they are entitled to the property and they are in enjoyment of the property.

6. Further, the respondents / defendants denied the title of the said Lakshmi and according to them, the said Bangaru Chettiyar had no issues and according to them, the said Bangaru Chettiyar never married Nagammal and the said Lakshmi was not born to the said Bangaru Chettiyar and Nagammal. The



said property was administered by Annakili and the said Annakili bequeathed the property to the 1st respondent and the 1st respondent obtained Letters of Administration in respect of the property and thereafter, he sold the property to the 2nd respondent and the 2nd respondent sold the property to the 3rd respondent and the 3rd respondent, in turn, sold the property to one G.N.Ganesh and G.N.Kiran Kumar and now, they are in possession and enjoyment of the property.

7. It is relevant to note that in this case, it is admitted fact that already the building was in existence and the same was old building in dilapidated condition, subsequently after obtaining orders from the Corporation, the said building was demolished. Since the property was a building and now is vacant site and possession of the property has to be proved by way of filing adequate documents and the applicants / plaintiffs have not filed any documents to show that they are in possession and without the documents to prove the possession, injunction cannot be granted. Further, the applicants have to establish the prima facie case, based on evidence and irreparable loss, but not established.



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Therefore, the applicants are not entitled for any relief at present through this Application.

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In the result, the present application is dismissed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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P.DHANABAL J.

ssd

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