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CMA No. 2290 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2290 of 2025

AND

CMP NO. 19390 OF 2025

1. Sumathi

W/o. Devendhiran, D/o. Venkatraman,
D.No.5/659, Pananthoppu Village,
Periyakuppam Post, Ambut Taluk,
Thirupathur Dt. and 2 Others

2. Kavitha

W/o. Ekambaram, D/o. Venkatraman,
Karumandapatti Village, Karappattu
Post, Uthangarai Taluk, Krishnagiri Dt.

3. Sudha

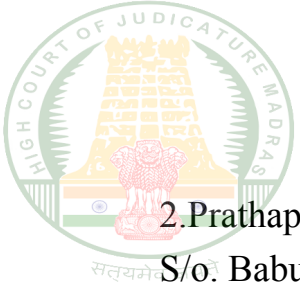
W/o. Asaithambi, D/o. Venkatraman,
D.No.158/68, Athipallam Village,
Goundanoor Post, Pochampalli Taluk,
Krishnagiri Dt.

Appellant(s)

Vs

1. S. Kumaramangalam

S/o. Late. P.V.T. Subramaniam, No.43,
Barathi Avenue, Injambakkam, Chennai
115.



2.Prathap

S/o. Babu, Perugobanapali Village and
Post, Bargur Taluk, Krishnagiri Dt.

3.Anbazhagi

W/o. Late. Ramamoorthy, Kottur
Village, Perungobanapalli Village and
Post, Bargur Taluk, Krishnagiri Dt.

4.Sampoornam

W/o. Annamalai, Lakkiyampatti
Village, Dharmapuri Dt.

5.Selvi

W/o. Govindaraj, Alangayam Road,
Erumapatti Village, Tirupathur Dt.

6.Gowrammal

W/o. Sivanandahan, Kottur Village,
Perugobanapalli Village and Post,
Bargur Taluk, Krishnagiri Dt. Meena @
Meenammal (Died)

7.Nagendhiran

S/o. Late. Venkataraman, Kottur
Village, Perungobanapalli Post, Bargur
Taluk, Krishnagiri Dt.

8.Selvam @ Muniya Moopar

S/o. Late. Venkataraman, Kottur
Village, Perungobanapalli Post, Bargur
Taluk, Krishnagiri Dt.

9.Anbazhagan

S/o. Late. Venkataraman, Kottur



Village, Perungopanapalli Post, Bargur
Taluk, Krishnagiri Dt.

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Respondent(s)

CMA No. 2290 of 2025

PRAYER

To set aside the order dated 10.07.2025 made in IA No.2 of 2023 in OS No.388 of 2023 on the file of the Additional District Judge, Krishnagiri, by allowing this CMA.

CMA No. 2290 of 2025

For Appellant(s): Mr.A.V. Arun

For Respondent(s): S. Sathyaganesh For R1

JUDGEMENT

This civil miscellaneous appeal has been filed to set aside the order dated 10.07.2025 made in IA No.2 of 2023 in OS No.388 of 2023 on the file of the Additional District Judge, Krishnagiri.

2. The learned counsel for the appellant submits that the first respondent herein filed IA No.2 of 2023 in OS No.388 of 2023 on the file of the Additional District Judge, Krishnagiri, for the relief of temporary injunction. On considering the oral and documentary evidence the trial Court passed the order



on 10.07.2025 directing the parties to maintain status quo with respect of S.No.

489/5 and S.No. 497/3 and other survey numbers and also directed the

respondents not to make any disturbance to the peaceful enjoyment of the

property by the petitioner/respondent herein. Thereafter, at the request of the

plaintiff/first respondent herein the trial judge taken the case again on

14.07.2025 for clarification and passed the order as follows:

1. That this petition be and the same is partly allowed.
2. That the respondents are directed to remove a part of the wall and open the lock in the gate, so that the petitioner will have ingress and egress of the S.No. 497/3.
3. that with respect of S.No. 489/5, the status quo already ordered has to be maintained.
4. That there be no order as to costs.

3. The contention of the learned counsel for the appellant is that the said clarification order was passed by the trial judge without giving opportunity to the appellant and also directed them to remove the part of the wall and open the



lock in the gate as such is illegal. Hence, he prays to set aside the order passed by the trial Court and to confirm the earlier order passed by the trial court till disposal of suit.

4. The learned counsel for the respondent submits that disputed property in S. No. 497/3 belonged to her father, who purchased the same by way of purchase in the year 1994. Ever since, his father was in possession of the property after his demise based on the Will the respondent herein is in possession and enjoyment of the property and constructed Samathi for his father in the S. No. 497/3. Now, the appellants herein encroached the property and put up wall causing interference to enter into the Samathi in S. No. 497/3 and S. No. 489/5 therefore they filed the suit for injunction to restrain the appellant. Accordingly, the trial Court granted order in their favour and ordered to maintain status quo, without taking note of the fact the appellant constructed a wall by encroaching the property due to which they were not able to entered into Samathi in S.No. 479/3. They filed the application for clarification accordingly the clarification was ordered which needs no interference.



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5. The learned counsel for the appellant submits that the appellant having right over the suit property in S.No. 497/3 and they are in occupation of the property and the same was rightly appreciated by the trial judge and granted status quo. Subsequently, within a week said order was modified without giving opportunity to the appellant.

6. On perusal of the order dated 10.07.2025, it clearly shows that both side counsels were appeared before the trial court. But, in subsequent clarification order, the trial judge directed the respondent to remove the part of the wall and open the lock in the gate, aggrieved by the same the appellant filed this appeal. According to them they are in possession and enjoyment of S.No. 497/3, as per the advocate commissioner report, prime facie reveals that there is a Samathi belongs to the plaintiffs' family. Now, the gate is locked due to the construction of wall said to be made by the respondent. Therefore, the trial judge after considering the advocate commissioner report given direction to remove the part of the wall but he has not specifically stated how much extent to be removed. The appellant is under the apprehension that their entire wall may be removed and to prove their right and title they need further direction.



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Therefore, the appellant is directed to remove three feet wall and open the lock in the gate so as to enable the respondents to ingress and egress the property in S.No. 497/3 within a period of two weeks from the date of receipt of a copy of this judgement. Further, it is made clear that right and tile over S.No. 497/3 and other survey numbers would be decided by trial judge and also status quo and other directions issued by the trial judge is to be maintained.

7. In the result, this Civil Miscellaneous Appeal is disposed of. No Costs.

Pending petition(s), if any, is/are closed.

13-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Additional District Judge, Krishnagiri.
2. The Section Officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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