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C.R.P.No.4439 of 2025 and C.M.P.No.22713 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4439 of 2025

and

C.M.P.No.22713 of 2025

Shri.K.Purushothaman

... Petitioner

Versus

1. Sri.K.I.Usman

2. Sri.V.Saravanan

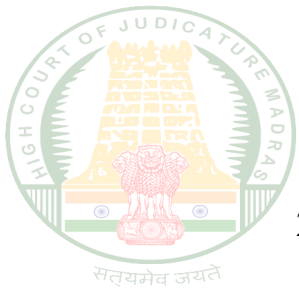
... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 01.08.2025 in I.A.No.2 of 2025 in O.S.No.37 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Cheyyar and consequently allow the same.

For Petitioner : Mr.M.Aravind Subramaniam
Senior counsel
for Mr.V.Haribabu

ORDER

Heard the learned counsel for the petitioner.



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2. The petitioner is the plaintiff in O.S.No.37 of 2025 before the District Munsif-cum-Judicial Magistrate at Cheyyur. The suit is filed for permanent injunction restraining the defendants and their men, agents and servants from in any manner not to disturb the plaintiff's peaceful possession and enjoyment of the suit property.

3. It is seen that trial Court has ordered notice, first respondent has been served and notice on the second respondent is yet to be served.

4. The learned counsel appearing for the revision petitioner would submit that there is urgency and despite making out a *prima facie* case, the trial Court has not even considered the request for granting an *ex parte* interim order. He would submit that as the notice has not been served on one of the respondents, it is unlikely that the trial Court will take up the interim application and pass orders in the near future.

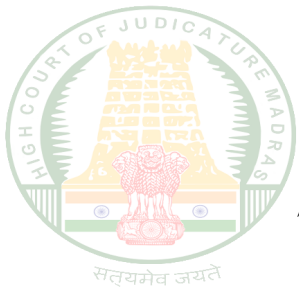
5. I have gone through the plaint as well as the interim application. Interim application in I.A.No.2 of 2025 in O.S.No.37 of 2025 has been filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 seeking an order of temporary injunction. In the affidavit, it has been stated that suit schedule property in Item No.1 to an extent of 0.83 cents in old



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Survey No.138/3A was owned by the plaintiff as the plaintiff had purchased the same from one Palani Chettiar and his wife Malliga under a registered sale deed dated 21.08.2019. There is also a reference to other properties mentioned in the plaint. Further, an extent of 0.18 cents of Item No.1 of suit schedule property in S.No.138/3A has been sub-divided and assigned New Survey No.138/3A1. It is also stated that the respondents/defendants are total strangers to the suit properties and no way connected to the suit properties and on 27.06.2025 the respondents/defendants' hinge men are attempting to trespass and threatened the plaintiff to execute the sale deed in their favour without any justifiable reason. A complaint was also lodged to that effect with Sub-Inspector of Police, Chunambedu vide C.S.R.No.286 of 2025.

6. It is submitted that without perusing the documents along with the plaint, the trial Court has proceeded to issue notice to the respondents. It is also brought to the notice of this Court that the revision petitioner/plaintiff has filed an advance hearing application. It is also seen that on 08.09.2025, the Court below has observed that "*APC filed amendment carried out, written statement of D1 filed, batta to D2, I.A.No.2 of 2025 counter of R1 filed, batta to R2 in three days, call on 15.10.2025*".



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7. In view of the above, I am inclined to grant an order of interim injunction for a limited period. Accordingly, there shall be an order of interim injunction till 15.10.2025. It is to be noted that temporary and interim injunction can be granted in an interlocutory application at any stage of suit. The Court below is directed to expedite hearing of the application in I.A.No.2 of 2025 in O.S.No.37 of 2025 and dispose of the same on its own merits and in accordance with law as expeditiously as possible without being influenced by any of the observations made by this Court in the instant order.

This civil revision petition stands disposed of with the above directions and observation. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

18.09.2025

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

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Note: Issue order copy on 22.09.2025

To

The District Munsif-cum-Judicial Magistrate
Cheyyar

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M. JOTHIRAMAN, J.

gpa

Tr.C.M.P.No.339 of 2024
and
C.M.P.No.22713 of 2025

18.09.2025