



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08-09-2025**

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HONOURABLE MR JUSTICE C. SARAVANAN**

**OSA No. 288 of 2025**

**and**

**CMP No. 21745 of 2025**

Mrs.Shareen Premanayagam

Appellant(s)

Vs

1.Ishaan Pejavar Rao

2.Nandan Pejavar Rao

Respondent(s)

**PRAYER**

Original Side Appeal has been filed under Order XXXVI Rule 9 of the Original Side Rules, 1994 read with Clause 15 of Letters Patent of 1865, to allow the appeal by setting aside the impugned order dated 29.07.2025 passed in A.No.4382 of 2024 in C.S.No.195 of 2024 on the file of the Madras High Court.

For Appellant(s): Mr.S.Sudarshan

For Respondent(s): Mr.S.R.Raghunathan

For R1 & R2



## **JUDGMENT**

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**(Judgment was delivered by S.M.Subramaniam J.)**

The Original Side Appeal on hand has been instituted to assail the order dated 29.07.2025 passed in Application No.4382 of 2024 in C.S.No.195 of 2024.

2. The appellant herein is the defendant in the suit instituted by the respondents herein seeking for a direction to deposit the original documents. Admittedly, the appellant is a stranger to the family members of the respondents herein and has a strained relationship within the family. The grandmother of the plaintiff/respondents executed a power of attorney in favour of the appellant, who was a domestic helper in the grandmother's household. By virtue of the power of attorney, the appellant created an encumbrance on 28.07.2021. The suit has been instituted by the respondents, apprehending that the appellant may create further encumbrances, seeking a direction to deposit all the original documents. The plaint averments contains a sequence of events regarding the



facts and circumstances under which the power of attorney was executed by the grandmother of the respondents and about the encumbrance created by the appellant.

3. Yet another suit has been filed in O.S.No.91 of 2023 on the file of District Munsif Court, Shollinganallur. The said suit has renumbered as O.S.No.565 of 2024. The suit is now transferred to the High Court and to be tried along with C.S.No.195 of 2024. However, the suit is yet to be renumbered. The written statement has already been filed in O.S.No.565 of 2024, wherein the appellants herein categorically stated that “Then the executors and the financier explained the fact and showed all the proof of original documents of the property and there position. Only after the settlement of the liability the plaintiff can enter into the property and police advised them to go lawfully”.

4. Therefore, dispute exist between the appellant and the respondents, more specifically, when the appellant is noway connected with the family of the respondents except her capacity as a maid to the grandmother of the plaintiff,



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the learned Single Judge has every reason to consider the relief as such sought for in the application. The apprehension raised by the respondents in the application is well-founded and this Court do not find any infirmity in respect of the relief granted by the learned Single Judge. Consequently, the impugned order dated 29.07.2025 passed in A.No.4382 of 2024 in C.S.No.195 of 2024, is hereby confirmed and the Original Side Appeal stands dismissed. No costs. The connected Miscellaneous Petition is closed.

**(S.M.SUBRAMANIAM J.)(C.SARAVANAN J.)**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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**S.M.SUBRAMANIAM J.**  
**AND**  
**C.SARAVANAN J.**

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