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CRP.No.4476 of 2025 and C.M.P.No.22825 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4476 of 2025

and

CMP.No.22825 of 2025

1. V.Dhanasekar
2. Suguna
3. Thiruvengadam
4. Umapathy

... Petitioners / Appellants /
Defendants 1 to 4

Versus

1. Arasapan

... 1st Respondent / 1st Respondent /
Plaintiff

2. Sekar

... 2nd Respondent / 2nd Respondent /
5th Defendant

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in CMA. No. 7 of 2025 on the file of the XVI Additional Judge, City Civil Court, Chennai, dated 15.04.2025 and confirming the fair and Decreeetal order passed in I.A.No.2 of 2024 in O.S.No.2863 of 2024, dated 13.02.2025 on the file of the II Assistant Judge, City Civil Court, Chennai and allow the Civil Revision Petition.

For Petitioners : Mr. R.Suryaprakash



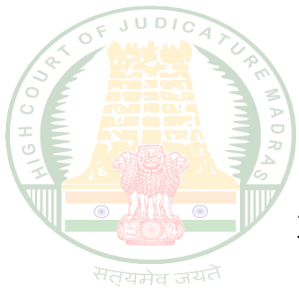
ORDER

Unsuccessful defendants 1 to 4 have preferred the present Civil

Revision Petition.

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2. Originally, one Arasapan filed a suit in O.S.No.2863 of 2024 seeking a permanent injunction restraining the defendants, their men, or any agents or any other persons claiming under them, from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. The defendants filed their written statement, and necessary issues were framed. The case was posed for trial. The plaintiff's side marked documents as Ex.P1 to Ex.P13, and the defendants' side marked documents as Ex.R1 to Ex.R17. The plaintiff also filed an application in I.A.No.2 of 2024 under Order XXXIX Rules 1 and 3 of the CPC, seeking an ad-interim injunction. Upon hearing either side, the learned II Assistant City Civil Court, Chennai, found that a prima-facie case had been made out in favour of the plaintiff. Accordingly, the Court granted an ad-interim injunction restraining the defendants, by order dated 13.02.2025.



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3. Aggrieved by the said order, the defendants 1 to 4 preferred the Civil Miscellaneous Appeal No.07 of 2025 on the file of the XVI Additional City Civil Court, Chennai, contending that the trial Court failed to note that the sale deed under which the plaintiff claimed title was obtained by fraud and coercion, and without fulfilling the requirements of the Transfer of property Act. It is further contended that the trial Court failed to consider the counter-Claim dated 18.11.2024 in O.S.No.2863 of 2024 and also failed to consider the application in I.A.No.3 of 2024 filed by defendants 1 to 4 seeking to stay all further proceedings in O.S.No.2863 of 2024 in view of the pendency of C.S.No.147 of 2016.

4. Upon considering the grounds and the arguments advanced on either side, the Appellate Court found that the trial Court had rightly concluded that the respondent / plaintiff was in possession of the suit property. It was noted that the plaintiff had entered into a sale agreement, obtained a decree for specific performance, and the sale deed was executed on 16.10.2019 in favour of the plaintiff by one Mr.Loganathan, following the judgment of the Additional District Judge, Fast Track Court, Chennai, which was confirmed by the High Court in A.S.No.831 of 2012 dated 11.04.2019. It was further



found that patta had been issued in 2023, and the property was surveyed and demarcated pursuant to the orders of the High Court dated 06.02.2024 in W.P.No.32776 of 2023. However, the appellants contended that the possession of the property has been with the Thasildar, Perambur, from 27.11.2018 onwards.

5. The trial Court as well as the First Appellate Court noted that the plaintiff had made out a *prima facie* case regarding possession of the suit property and accordingly granted an ad-interim injunction. The ad-interim injunction was granted at an appropriate stage of the suit. When both the trial Court and the Appellate Court found that the plaintiff had established a *prima facie* case and that the balance of convenience was in favour of the plaintiff, the trial Court allowed the application, and the First Appellate Court also confirmed the order passed by the Trial Court.

6. In view of the above, there is no reason to interfere with the order passed by the trial Court in CMA. No. 7 of 2025 on the file of the XVI



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Additional Judge, City Civil Court, Chennai, and in I.A.No.2 of 2024 in O.S.No.2863 of 2024, dated 13.02.2025, on the file of the II Assistant Judge, City Civil Court, Chennai.

7. Accordingly, this Civil Revision petition is dismissed. However, the learned II Assistant Judge, City Civil Court, Chennai, is requested to dispose of O.S.No.2863 of 2024 as expeditiously as possible, in the manner known to law. Consequently, the connected Civil Miscellaneous Petition is closed. No costs.

19.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The learned XVI Additional Judge, City Civil Court, Chennai.
2. The learned II Assistant Judge, City Civil Court, Chennai.

M. JOTHIRAMAN, J.

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