



O.S.A.No.297 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**O.S.A.No.297 of 2025
and
C.M.P.No.22647 of 2025**

1. Sathya Prabhu
S/o.Selvaraj
2. Karikalan @ Kirubamohan Thangaraj ... Appellants

Vs.

1. A.K.Viswanathan
S/o.Late P.Ayyasamy
2. Google LLC
Having Branch Office at
Unit No.26, The Executive Centre
Level 8, DLF Centre
Sansad Marg, Connaught Place
New Delhi - 110 001. ... Respondents

Prayer:

Original Side Appeal filed under Order XXXVI Rule 9 of O.S.
Rules read with Clause 15 of the Letters Patent, praying to set aside the

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order dated 22.10.2024 made in Application No.1876 of 2024 in C.S.No.77 of 2024 on the file of this Court.

For Appellants : Mr.K.Suthan

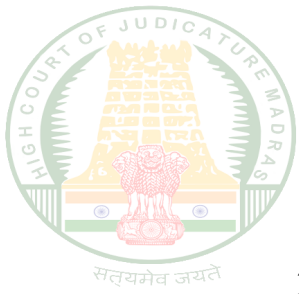
For Respondents : Mr.P.H.Arvind Pandian
Senior Counsel
instructed by
Mr.Karthikeyan Anbazhagan
for R1

JUDGMENT

(Judgment of the Court delivered by S.M.SUBRAMANIAM.J.,)

The present Original Side Appeal has been preferred against an order dated 22.10.2024 passed in A.No.1876 of 2024. The defendants are the appellants in the present appeal. The first respondent instituted a suit for permanent injunction and seeking damages. Along with the suit, an application has been instituted to grant an ad-interim injunction.

2. Mr.K.Suthan, learned counsel on record for appellants would mainly contend that Hon'ble Judge, who passed the impugned order in the application was the counsel and drafted the absolute sale deed dated 18.04.2002, which is the disputed document in the suit. This Court has perused the said document and found that the statement made on behalf of the appellants appears to be correct.



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3. Mr.P.H.Arvind Pandian, learned Senior Counsel appearing on behalf of the first respondent has not disputed the said fact but would oppose the appeal by stating that ad-interim injunction was granted initially by other Hon'ble Judge and it was extended. When the matter was taken up on 22.10.2024, the impugned order has been passed by Hon'ble Judge only extending the interim order. Therefore, the ground raised deserves no merits consideration.

4. This Court is of the considered view that the cardinal principle that "justice not only must be done, but must also be seen to be done" is to be adopted scrupulously. A perusal of sale deed would show that learned Judge, who passed the impugned order drafted the document and signed the same. Learned Senior Counsel for the respondent would submit that the fact was not brought to the notice of Hon'ble Judge, at the time of passing the impugned order. Any way, this Court is not inclined to go into the dispute in this regard, since initially ad-interim injunction was not granted by Hon'ble Judge, who passed the impugned order. In order to afford an opportunity to the appellants and for adjudication of the issues in the application on merits, this Court is inclined to set aside the impugned order dated 22.10.2024 alone passed in A.No.1876 of 2024 in C.S.No.77



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of 2024. However, ad-interim injunction initially granted by this Court on 28.03.2024 shall continue and the appellants are at liberty to file their counter in the application. The Court dealing with the application is requested to decide the matter on merits and in accordance with law.

5. With these observations, the impugned order dated 22.10.2024 passed in A.No.1876 of 2024 in C.S.No.77 of 2024 is set aside. The Original Side Appeal stands allowed in terms as stated above. Consequently, connected Civil Miscellaneous Petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q, J.]
16.09.2025

mk

Speaking / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No



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