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C.R.P.No.354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.354 of 2024
and
C.M.P.Nos.1655 and 1657 of 2024

G.S.Suresh

... Petitioner

VS.

1.Annamalai

2.Shanthi

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the above Civil Revision Petition by setting aside and quashing the fair order and decreetal order dated 02.11.2023 passed by the Sub-Ordinate Court, Tiruvarur, dismissing CMA.No.8 of 2021 and confirming the fair order and decreetal order passed by the District Munsif, Tiruvarur dated 20.07.2018 allowing I.A.No.63 of 2018 in O.S.No.11 of 2018.

For Petitioner : Mr.B.Harikrishnan

For Respondents : Mr.N.Palanivel



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Subordinate Court, Tiruvarur/First Appellate Court in C.M.A.No.8 of 2021, dated 02.11.2023 dismissing the appeal filed by the petitioner challenging the interim order granted by the District Munsif, Tiruvarur in I.A.No.63 of 2018 in O.S.No.11 of 2018, dated 20.07.2018 in favour of the respondents by directing the parties to maintain Status Quo with regard to Toyota Car bearing Registration No.PY 01 BR 7779.

2. The 2nd respondent is the sister of the petitioner herein and the 1st respondent is the husband of the 2nd respondent. The respondents filed a suit for bare injunction against the petitioner and other defendants in O.S.No.11 of 2018 restraining the petitioner from interfering with their right of user of the suit 2nd schedule of property namely the motor vehicle mentioned above. Pending suit, an interim application has been filed by the respondents seeking injunction restraining the petitioner from interfering with their right over the motor vehicle. The said application was resisted by the petitioner on the ground that he is the registered owner of the vehicle and hence, the petition for injunction would not lie.



3. The Trial Court directed the parties to maintain Status Quo pending disposal of the suit. Aggrieved by the same, the petitioner preferred an appeal before the First Appellate Court in C.M.A.No.8 of 2021. The First Appellate Court affirmed the order passed by the Trial Court. Hence, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would submit that even as per the admitted case of the respondents, the petitioner is the registered owner of the vehicle and hence, the Courts below ought not have passed status quo order against the original owner of the vehicle.

5. The learned counsel appearing for the respondents would submit that even as per the admitted case of the petitioner, the possession of the vehicle is with respondents and the same was purchased out of the contribution made by father of the petitioner and 2nd respondent. It is further submitted that father of the parties executed an unregistered Will bequeathing the subject property in favour of the 2nd respondent. Therefore, the 2nd respondent is entitled to use the vehicle.



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6. A perusal of the typed-set of papers would indicate that the RC Book of the vehicle was marked as Ex.R1 before the Trial Court. A perusal of the same would indicate the vehicle stands in the name of the petitioner. Therefore, the petitioner is the registered owner of the vehicle in question. Though the respondents pleaded that the vehicle was purchased out of contribution made by the father of the petitioner and 2nd respondent and he executed a unregistered Will bequeathing the vehicle in favour of 2nd respondent. The said plea raised by the respondents is a matter for trial and the same cannot be adjudicated upon at this stage. In the light of registration certificate marked as Ex.R1, the petitioner herein is the registered owner of the vehicle. In such circumstances, the Courts below ought not to have passed an order directing the petitioner to maintain Status Quo with regard to vehicle.

7. Accordingly, the Civil Revision Petition stands allowed and the application for injunction in I.A.No.63 of 2018 filed by the respondents stands dismissed. It is always open to the petitioner to follow due process of law and take necessary action against the vehicle, which is admittedly in possession of the respondents. It is made clear that the petitioner is not



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entitled to take law into his own hands and repossess the vehicle without following due process of law. No costs. Consequently, the connected civil miscellaneous petitions are closed.

03.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

1.The Subordinate Court,
Tiruvarur.

2.The District Munsif,
Tiruvarur.



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S.SOUNTHAR, J.

dm

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