



CRP.No.488 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.488 of 2024 and
CMP.No.2298 and 2305 of 2024

Mrs. A.Subashini

... Petitioner

Vs.

Mr.L.Sundaram

...Respondent

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the Fair and Final order passed by the Appellate Court in CMA No.2 of 2022 dated 01.08.2023 on the file of the Subordinate Judge at Udhagamandalam confirming the Fair and Final Order passed by the Trial Court in IA No.2 of 2022 in OS No. 145 of 2022 dated 02.12.2022 on the file of the District Munsif Court at Udhagamandalam.

For Petitioners

: Mr.A.Kumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the First Appellate Court dismissing the appeal filed by the petitioner challenging the order passed by the Trial Court dismissing the application for interim injunction.



2. The petitioner herein filed a suit for bare injunction against the respondent in OS.No.145 of 2022 on the ground that he is a tenant under the respondent and the respondent is attempting to evict the petitioner. Pending suit, he filed an application seeking interim injunction and the same was dismissed by the trial court. Aggreived by the same, the petitioner preferred an appeal before the first appellate court in CMA.No.03 of 2022. The first appellate court confirmed the order passed by the trial court. Against the concurrent findings, the petitioner has come before this court.

3. A perusal of the typed set of papers would indicate that the petitioner claims right under affidavit marked as Exhibit P3. Both the courts below rejected the same on the ground that the signature of the petitioner is not found in the said document and therefore, it cannot be treated as a lease or tenancy arrangement. Further, based on Exhibit R7, complaint submitted by the petitioner before the police, the Courts below came to the conclusion that there was a financial transaction between the petitioner and the respondent and Exhibit P3, affidavit was obtained by putting the respondent under undue influence. The trial court came to the conclusion that the real financial transaction between the petitioner and the respondent has been suppressed by



the petitioner and therefore, having approached the court with unclean hands the petitioner could not be granted equitable remedy of injunction. The said order passed by the trial court was affirmed by the first appellate court as early as 01.08.2023. Therefore, it is clear that there has been no interim order in favour of the petitioner for the past three years and the suit is of the year 2022. Therefore, this Court feels justice will be served by directing the trial court to dispose of the main suit itself as expeditiously as possible.

4. In the light of the specific findings rendered by the trial court that financial transaction involving the petitioner and the respondent has been suppressed, I am not inclined to interfere with the impugned order passed by the court below. Accordingly, the Civil Revision petition stands dismissed with direction to the trial court to dispose of the main suit as expeditiously as possible.

5. It is made clear that any observation made by this Court or the court below in the interlocutory application are only *prima facie* findings and the



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same will not affect the right of the petitioner in the final disposal. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

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To

1. The Subordinate Court, Udhagamandalam
2. The District Munsif Court, Udhagamandalam.

S.SOUNTHAR, J.

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