



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.181 & 239 of 2025 and

C.M.P.Nos.1268 of 2025

Prakash

... Petitioner in both cases

Vs.

1. Sekar

2. Elumalai

3. Dhananchezhian

4. Dhayal @ Dhayalan

... Respondents in both cases

PRAYER in CRP No.181 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order, dated 05.11.2024 passed in C.M.A.No.3/2023 on the file of the Sub Court, Maduranthakam, confirming the order in I.A.No.396/2022 in O.S.No.84/2022 on the file of the District Munsif cum Judicial Magistrate Court, Cheyyur, dated 20.04.2023.

PRAYER in CRP No.239 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order in I.A.No.1/2024 in C.M.A.No.3/2023 on the file of the Sub Court, Maduranthakam, dated 05.11.2024.

In both cases

For Petitioner : Mr.G.Surya Narayanan

For Respondents : Mr.K.Govi Ganesan

**COMMON ORDER**

Heard Mr.G.Surya Narayanan, learned counsel for the petitioner and

Mr.K.Govi Ganesan, learned counsel appearing for the Respondents in both the revisions.

2. The plaintiff is the revision petitioner, who challenges the orders, dismissing the injunction application sought for pending suit, has confirmed by the first appellate in Civil Miscellaneous Appeal as well as the rejection of the application to receive registered release deed filed by the petitioner/plaintiff pending Civil Miscellaneous Appeal.

3. Mr.G.Surya Narayanan, learned counsel would take me through the findings rendered by the trial Court as well as the first appellate Court in the injunction application / Civil Miscellaneous Appeal and contend that the Courts have not considered various documents that have been relied on by the petitioner/plaintiff. He would further state that the petitioner has, on the basis and strength of registered settlement deed, executed by his father, admittedly the son of the original owner Poongavanammal has mutated the revenue records in his favour. Unfortunately the Courts have held that the Village Administrative Officers are not competent to issue the adangal



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which is totally unsubstantiated and that he would also state that soon after the registered settlement deed in the month of October 2022, the petitioner has proceeded to mutate the revenue records in his favour and that is the reason why patta came to be issued to the petitioner in November 2022. He would therefore state that the findings of the Courts that the revenue records were mutated which has been prior to the filing of the suit cannot be a ground to disbelieve the case of the petitioner.

4. As regards the other findings of the Court that the original owner Poongavanammal had, besides the petitioner's father, others' daughter who have not been shown as legal heirs in the legalheirship certificate and that they have not joined in the execution of the settlement deed in favour of the petitioner / plaintiff, Mr.G.Surya Narayanan would state that other legal heirs of the said Poongavanammal who are the aunts of the petitioner, have not questioned either the enjoyment of the property at the hands of the petitioner's father or the factum of the registered settlement deed, which had been executed by the petitioner's father in favour of the petitioner. In any event, he would state that only because of the findings of the trial Court in the Interlocutory Application, the petitioner was constrained to take out



I.A.No.1/2024 to produce the registered release deed executed by the other legal heirs of Poongavanammal. He would therefore state that the Courts below have committed a serious error. He would therefore prayed for setting aside the orders of the Courts below by allowing the present Civil Revision Petition.

5. Per contra, Mr.K.Govi Ganesan, learned counsel appearing for the Respondents would state that the suit was filed on 21.11.2022 and all this while, the petitioner/plaintiff had not had the benefit of interim injunction and further the suit is ripe for trial and issues having been framed already and therefore he seeks for a direction to the trial Court to dispose of the suit expeditiously. He would also state that he has no objection for the petitioner producing the registered release deed, subject to proof and relevancy before the trial Court. He would further submit that any application for amendment of pleadings, subject to reserving the rights of the defendants to file an additional written statement, may also be permitted by the trial Court.

6. In the light of the above, I am not inclined to interfere with the



concurrent findings rendered by the Courts below, that too considering the fact that the suit itself is ripe for trial and the parties can adduce oral and documentary evidence and substantiate their respective contentions. It is however made clear that none of the observations made by the trial Court or the first appellate Court shall come in the way or prejudice the trial Court while disposing of the suit, which shall be based on the amended pleadings including the amended plaint, additional written statement as well as the oral and documentary evidence that may be adduced by the parties. The trial Court is directed to dispose of the suit on or before 31.10.2025.

7. With the above direction, this Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

vum

To

1. The Sub Court, Maduranthakam.
2. The District Munsif cum Judicial Magistrate Court, Cheyyur.

P.B. BALAJI,J.



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