



WEB COPY



CRP.No.6365 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.6365 of 2025

P.Udhayakumar (Died)

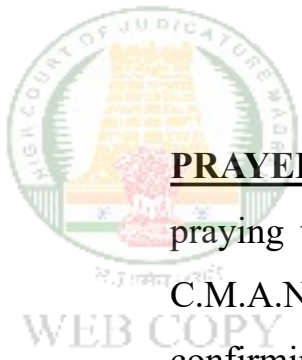
1. P.Ponmudi
2. P.Kalanidhi
3. Sumathi
4. Palanivelrajan
5. Saradha
6. Shanmuganathan
7. Elanchezhian

... Petitioners

Vs.

1. Shanthi
2. Gurunathan
3. Gomathi
4. Gokulnath
5. Suseela

...Respondents



CRP.No.6365 of 2025

PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the order and decretal order dated 29.04.2025 made in C.M.A.No.1 of 2022 on the file of the Subordinate Court, Kancheepuram and confirming the order and decree dated 04.10.2021 made in I.A.No.1 of 2021 in O.S.No.140 of 2021 on the file of Additional Munsif Court, Kancheepuram.

For Petitioner : Mr.R.Mani

ORDER

This Civil Revision Petition is filed, challenging the order passed by the first Appellate Court, dismissing the appeal filed by the petitioner, challenging the dismissal of the petition for temporary injunction.

2. The petitioners herein filed a suit for bare injunction in O.S.No.140 of 2021. Pending suit, they filed an application seeking temporary injunction in I.A.No.1 of 2021 and the same was dismissed on merits on 04.10.2021. Aggrieved by the same, the petitioners preferred an appeal before the first Appellate Court in C.M.A No.1 of 2022. The first appellate court dismissed the appeal, confirming the findings of the trial court. Aggrieved by the same, the petitioners have come before this Court.



3. The petitioners laid the suit, based on the earlier decree passed against one Gothandam, the predecessor in title of the respondents, in O.S.No.487 of 1998 on the file of the Principal District Munsif Court, Kancheepuram. A perusal of the decree passed in the said suit would indicate that in the description of the property, only survey number and extent of the suit property were mentioned and the linear measurements of the property were not mentioned. However, in the present suit, while describing the suit property, the petitioners have introduced linear measurements. Whether the linear measurements given by petitioners are correct or not is a matter for evidence and therefore, at this stage, we cannot ascertain the correctness of the same. If any interim order is granted without ascertaining the correct linear measurement of the suit property, it may cause confusion. In any event, I.A.1 of 2021 filed by the petitioners seeking temporary injunction was dismissed by the trial court on 04.10.2021 and the appeal filed by them before the first appellate court was also dismissed on 29.04.2025. Therefore, from the year 2021 to till date, the petitioners have not enjoyed the benefit of interim order. In such circumstances, I am not inclined to interfere with the orders passed by the Courts below.



CRP.No.6365 of 2025

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. The trial Court is directed to dispose of the case in O.S.No.140 of 2021 as expeditiously as possible. It is made clear that the dismissal of this revision will not come in the way of petitioners arguing their case on merits and any observations made in this order or in the order passed by the courts below will not affect the rights of the petitioners on merits.

15.12.2025

Internet : Yes

Index : Yes / No

Neutral Citation: Yes/No

MST/shl

To

1. The Subordinate Court,
Kancheepuram.

2. The Additional Munsif Court,
Kancheepuram.



WEB COPY



CRP.No.6365 of 2025

S.SOUNTHAR, J.

MST/shl

CRP.No.6365 of 2025

15.12.2025