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CRP No. 241 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 241 of 2026

S.M.Lakshmanan
Proprietor of M/s. Muthamil Medicals,
Having Shop at New No.47, Old No.33,
Panchali Amman Kovil Street,
Arumbakkam,
Chennai-600 106.

..Petitioner(s)

Vs

1. Rathinakandhi
2. T.Muthu Kumaran

..Respondent(s)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the fair and final order passed in IA.No. 6/2025 in OS.No.506/2023 dated 18.11.2025 on the file of the VI Assistant City Civil Court, Chennai.

For Petitioner(s): Ma.P.Thangavel

For Respondent(s): M/s.A.Sajidha Meera Rumana

ORDER

The civil revision petition is filed by the petitioner/plaintiff challenging the order passed by the trial court allowing the petition filed by the respondents 1 and 2 seeking dismissal of the suit as infructuous.



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2. The petitioner herein filed a suit for bare injunction restraining the respondents/defendants from interfering with his alleged possession over the suit property except by due process of law.

3. The respondents already filed a suit for recovery of possession against the petitioner. Therefore, they filed instant application in IA.No.6 of 2025 seeking dismissal of the suit as infructuous. The trial court, by impugned order, allowed the said application and aggrieved by the same, the petitioner has come before this court.

4. When the civil revision petition is taken up for hearing, the learned counsel for the respondents filed an undertaking affidavit of the second respondent, which was also sworn on behalf of the first respondent to the effect that the respondents would not disturb the possession of the petitioner over the suit property except by due process of law. It is further stated that the respondents would not disturb the enjoyment of the basic amenities by the petitioner except by due process of law. The relevant portion of the undertaking affidavit reads as follows:-

“I respectfully further submit that I am giving an undertaking to this effect that I will not disturb the Petitioner peaceful possession and enjoyment except by due process of law and also his basic amenities sought in the suit except by due process of law. I have already invoked due process of law by filing recovery of



possession suit in O.S. No. 2018 of 2023 and therefore I will not disturb the Petitioner peaceful possession and enjoyment except by due process of law and also his basic amenities sought in the suit except by due process of law”

The said undertaking affidavit filed by the 2nd respondent dated 26.02.2026 is recorded.

5. In view of the undertaking given by the respondents that they would not disturb the peaceful possession of the petitioner or disturb the enjoyment of the basic amenities by the petitioner except by due process of law, no further orders are necessary in this revision. Accordingly, the civil revision petition is closed. The scanned copy of the undertaking affidavit shall form part of this order. No costs.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
nr

To
The VI Assistant City Civil Court, Chennai.



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CRP No. 241 of 2



S.SOUNTHAR, J.

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