



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 981 of 2026 and
CMP.No.5281 of 2026**

C.Mohandas

..Petitioner(s)

Vs

1. Prasanna
2. Subash Chand Jain,

..Respondent(s)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the Final and Decretal order dated 07.10.2025 in IA No.5 of 2025 in OS No. 45 of 2021 on the file of the Principal Family Court, Chennai.

For Petitioner(s): E.K.Kumaresan

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioner seeking stay of the suit under Section 10 of CPC.

2. The petitioner herein and the first respondent are husband and wife. The first respondent/plaintiff filed a suit against the petitioner and the second respondent seeking permanent injunction restraining the petitioner from physically or mentally harassing her or evicting her from the suit property. She



also sought for mandatory injunction directing the petitioner and the second respondent to execute appropriate documents in respect of the suit property which is a residential house in favour of her and her daughters. The present suit filed by the first respondent is a subsequent suit. Earlier, the second respondent herein filed a suit for specific performance against the petitioner in OS.No.9137 of 2019 on the file of the XVII Additional City Civil Court, Chennai seeking specific performance of sale agreement in respect of the suit property. The earlier suit was filed by the second respondent only against the petitioner. The suit was decreed and aggrieved by the same, the petitioner filed an appeal and the same is pending before this Court.

3. In the pending appeal, the first respondent herein filed an impleading application and the same is pending for filing of counter by the respondents therein. In these circumstances, the present application has been filed by the petitioner/husband seeking stay of the second suit filed by the first respondent/wife on the ground that findings in pending first appeal will have a bearing on the outcome of the present suit. Admittedly, the first respondent/present plaintiff was not added as a party in the earlier suit and the said suit was already disposed of. Now, appeal is pending before the first appellate court. In the said appeal, the first respondent filed only impleading application and the same is not yet ordered. Therefore, as on today, the first respondent/present plaintiff is not a party in the said appeal proceedings. When the first respondent/present plaintiff is not a party in the earlier suit and also



pending first appeal, the petitioner is not entitled to invoke Section 10 of CPC.

Therefore, I do not find any error in the final conclusion reached by the trial court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

27-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Principal Family Court, Chennai.



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S.SOUNTHAR, J.

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