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OA No. 674 of 2
and A. No.6373 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OA No. 674 of 2025 and A. No.6373 of 2025

in C.S. No.146 of 2025

P.Advikaa (Minor) D/o.V.Prem Kumar,
Rep.by her Mother and natural Guardian
M.Surumbar Khuzhali,

..Applicant(s)

Vs

1. V.Premkumar and 4 others
S/o.S.Vasagar,
2. S.Vasagar S/o.Late.S.Suruliyandi Gowder,
3. Amuthamani W/o.S.Vasagar,
4. Priyadharshini W/o.Lingesh,
5. Lingesh S/o.P.Maharajan,

..Respondent(s)

PRAYER: The Original Application has been filed under Order XIV Rule 8 of Original Side Rules read with Order 39 Rule 1 of Code of Civil Procedure praying to grant an ad interim injunction restraining the Respondents/Defendants from alienating or encumbering the suit schedule properties pending disposal of the above suit.



For Applicant(s): M/s. Fx.Eugene

For Respondent(s): M/s.Rajeswari

A. No.6373 of 2025

Priyadharshini W/o.Lingesh

Applicant

vs

1. P.Advikaa (Minor) 1.Premkumar(MINOR)
D/o.V.Prem Kumar, Rep.by her Mother and
natural Guardian M.Surumbar Khuzhali,

2. S.VasagarS/o.Late.S.Suruliyandi Gowder,

3. AmuthamaniW/o.S.Vasagar,

4. LingeshS/o.P.Maharajan,

..Respondent(s)

PRAYER: The Original Application has been filed under Order XIV Rule 8 of Original Side Rules read with Order XXXIX Rule 4 of Code of Civil Procedure praying to vacate the interim injunction granted against the applicant from alienation of the schedule mentioned property in Item No.8 granted in O.A. No.674 of 2025 in C.S. No.146 of 2025 dated 08.07.2025.

For Applicant(s): M/s.Rajeswari Karthikeyan

For Respondent(s): M/s. Fx.Eugene

COMMON ORDER

This application in O.A.No.674 of 2025 has been filed by the applicant to grant ad-interim injunction restraining the Respondents/Defendants from alienating or encumbering the suit schedule properties pending disposal of the above suit.



The application in A. No.6373 of 2025 has been filed by the applicant to vacate the interim injunction granted against the applicant from alienation of the schedule mentioned property in Item No.8 granted in O.A. No.674 of 2025 in C.S. No.146 of 2025 dated 08.07.2025.

2. According to the applicant in O.A. No.674 of 2025, she is the Plaintiff in the main Suit and she filed the Suit for partition against the respondents / defendants. During the pendency of the Suit, the respondents are attempting to dispose the properties and if any encumbrance created over the properties, it may act detrimental to the interest of the Plaintiff. Therefore, filed this application for grant of interim injunction not to deal with the properties and not to alienate and encumber the properties. This Court granted interim injunction through an order dated 08.07.2025. Thereafter, the applicant / 4th defendant has filed an original application in A. No.6373 of 2025 to vacate the interim injunction granted against the respondents.

3. According to the applicant in A. No.6373 of 2025, she is the 4th defendant in the main Suit and the respondents / Plaintiffs have filed the Suit for partition. The 4th and 5th defendants were wrongly implicated. The Plaintiff has filed the original application in O.A. No.647 of 2025 seeking interim injunction restraining the defendants from alienating or encumbering the properties, including the property belongs to the 4th defendant and this Court also granted



interim injunction through an order dated 08.07.2025. The said property situated at Thevaram Revenue Village is exclusive, absolute and self-acquired property of the applicant and it was purchased from her own independent income after her marriage, thereby, the said property is no way connected with the joint family. Therefore, prayed to vacate the interim injunction as against the 4th respondent and for the property situated in Thevaram Revenue Village.

4. This Court heard both sides and perused the entire materials available on record.

5. The application in O.A. No.674 of 2025 is the Plaintiff in the main Suit and she filed the Suit for partition and separate possession. According to the Plaintiff, all the properties are joint family properties. The 4th defendant denied the character of the 8th item of 'B' Schedule property and according to her, the property situated at Thevaram Revenue Village, which is shown Item 8 in Schedule 'B', which is exclusively belongs to the 4th defendant / applicant in A. No.6373 of 2025. The respondents also produced the copy of the Sale Deed in the name of the 4th defendant / applicant in A. No.6373 of 2025. On perusal of the same, it reveals that the said property situated in Thevaram Revenue Village in S.F. Nos.872/1 and 873/1B was purchased by her on 07.07.2017 from one C. Periyakaruppan @ Kaalai and others. The applicant / Plaintiff has not produced any document to show that the property is a joint family property.



Once the Sale Deed stands in the name of an individual, then the said property has to be presumed that it was purchased by her, unless the contrary is proved.

The applicant / Plaintiff, who sought for injunction has to prove the prima facie case, the balance of convenience and irreparable loss, but the documents show that the applicant in A. No.6373 of 2025 purchased the property through Sale Deed. Therefore, at this stage, whether the property is a joint family property or not? cannot be decided. Therefore, the applicant who approached the Court has to prove the prima facie case and balance of convenience and irreparable loss, but in this case, there is no prima face case made out in respect of the 8th item of 'B' Schedule properties. Therefore, the property stands in the name of the applicant in the A. No.6373 of 2025 cannot be subjected for restrictions through interim injunction.

6. If any alienation is made during the pendency of the Suit, it is hit be *lis pendens* and the same is subject to the outcome of the result of the Suit. As far as other properties are concerned, there is no objection made by other parties. Therefore, the order passed by this Court by granting interim injunction is made absolute till the disposal of the main Suit except the property situated in Item 8 of the Schedule B property situated at Thevaram Revenue Village.

7. With the above said observations, these applications are ***disposed of***.

MJS

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P.DHANABAL, J.

MJS

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