



C.R.P.No.574 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.574 of 2026
and
C.M.P.No.3156 of 2026

Nishanth Chandrasekar
Represented by his Power Agent,
V.Chandrasekaran,
No. 12, Old No.36,
D'Silva Road, Mylapore,
Chennai – 600 004

... Petitioner

VS.

G.Kannan

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 03.01.2026 passed in I.A.No.10 of 2025 in O.S.No.7217 of 2024 by the XII Assistant City Civil Judge, Chennai.

For Petitioner : Mr.S.Saravanakumar



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ORDER

The Civil Revision Petition is filed challenging the order passed by the XII Assistant City Civil Judge, Chennai in I.A.No.10 of 2025 in O.S.No.7217 of 2024, dated 03.01.2026 dismissing the application filed by the petitioner/plaintiff seeking rejection of the counter claim filed by the respondent/defendant.

2. The petitioner herein filed a suit in O.S.No.7217 of 2024 on the file of the XII Assistant City Civil Court, Chennai, seeking permanent injunction restraining the respondent herein from interfering with his peaceful possession and enjoyment of the suit property including the gate, compound wall, open area, garage and residential premises. He also sought for permanent injunction restraining the respondent from preventing the petitioner from entering the suit schedule property. He also sought for permanent injunction restraining the respondent from causing any damage to the security cameras and the security systems installed by the petitioner in the suit schedule property. Further, he sought for mandatory injunction directing the respondent to repair the damage caused to the gate and pillar in the suit schedule property and restore the same to its original position.



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3. According to the petitioner/plaintiff, he purchased Flat No.4 in Plot No.8-A, D'Silva Road, Mylapore, Chennai, comprised in Town Survey No.1650/1 from one Lalitha Krishnan under the registered Sale Deed dated 29.11.2024 in Document No.4191/2024 on the file of the Sub-Registrar, Mylapore. According to the petitioner/plaintiff, the respondent/defendant, who is the owner of Flat No.3 attempted to interfere with petitioner's peaceful possession and enjoyment of the suit property and hence, the above said suit was laid.

4. The respondent/defendant filed written statement and resisted the suit on the ground that the petitioner in his title document included certain common areas of the entire property which were not sold to the vendor of the petitioner and hence, his claim over the entire suit property has been denied. According to him, the original owner of the Flat No.4 was an aged woman and the petitioner illegally encroached the entire passage leading to Flat No.4.

5. The main pith and substance of the respondent's claim is that certain common area and open space were also erroneously included in the title document of the petitioner and hence, the same was not valid. In the



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written statement, he raised a counter claim seeking a declaration that the Sale Deed dated 29.11.2024 executed in favour of the petitioner was null and void. He also sought for mandatory injunction seeking direction to petitioner to remove all the encroachments made by him in the common area and open space of the apartment premises in the suit property. He further sought for mandatory injunction directing the petitioner to demolish the illegal and unlawful construction made by him in violation and deviation of the approved plan. He also sought for mandatory injunction directing the petitioner to remove all CCTV Cameras installed by him in the suit property so as to cause damage to the privacy of the respondent. He also sought for permanent injunction restraining the petitioner from encroaching the common area, amenities, passage and open space of the apartment premises in the suit property.

6. After filing of the written statement raising counter claim by the respondent, the instant application has been filed by the petitioner seeking rejection of the counter claim.

7. According to the petitioner, the suit schedule property has been purchased by him for valuable consideration and the respondent has no right



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over the same and hence, the prayer made by him in the counter claim seeking declaration that his Sale Deed as null and void was without any basis. The Trial Court, by impugned order dismissed the application filed by the petitioner seeking rejection of the counter claim and aggrieved by the same, the petitioner has come before this Court.

8. The learned counsel appearing for the petitioner would submit that the respondent has no right over the suit schedule property and therefore, the prayer for declaration regarding the invalidity of the title deed of the petitioner is not at all maintainable. According to him, when the respondent has no right over the suit schedule property, there is no cause of action for him to sustain the prayer for cancellation of the Sale Deed executed in favour of the petitioner.

9. A perusal of the written statement filed by the respondent would indicate, it is the specific case of the respondent that certain common areas over which the vendor of the petitioner had no right have been fraudulently included in the title document of the petitioner so as to claim exclusive right over the same. Therefore, a reading of the written statement would indicate that the respondent/defendant claims certain areas in the suit property as a



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common areas for the benefit of all flat owners and hence, according to him, the petitioner has no exclusive right over the said property.

10. Whether the alleged common areas are included in the title document of the plaintiff and whether the vendor of the plaintiff had exclusive right to convey the said areas to the plaintiff etc., are all matters to be decided based on the evidence to be let in by the parties. Therefore, at the stage of seeking rejection of the counter claim, this Court cannot rely on the document produced by the petitioner and reject the same.

11. Apart from the prayer for declaration regarding invalidity of the Sale Deed in favour of the petitioner, the respondent also seeks mandatory injunction directing the petitioner to remove all CCTV Cameras installed by him in the suit property. The petitioner also in his plaint seeks a permanent injunction restraining the respondent/defendant from causing any damage to the Cameras installed by the petitioner.

12. The mandatory injunction prayer sought for by the petitioner is inextricably linked with the mandatory injunction sought for by the respondent in his counter claim. In these circumstances, the prayer for



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rejection of the entire counter claim filed by the plaintiff is not sustainable at this stage. The Trial Court in the impugned order rightly said that the controversy in the pleadings between the parties have to be decided only based on the evidence to be recorded at the time of final disposal and dismissed the application for rejection of the counter claim. I do not find any serious error in the impugned order passed by the XII Assistant City Civil Judge, Chennai in I.A.No.10 of 2025 in O.S.No.7217 of 2024, dated 03.01.2026.

13. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

20.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The XII Assistant City Civil Court,
Chennai.



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S.SOUNTHAR, J.

dm

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