



WEB COPY

CRP No. 1312 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1312 of 2026
and CMP.Nos. 6383 & 6381 of 2026**

1. M.Palanisamy
S/o Muthusamy,
Karuvelanthottam,
Kuppirikkapalayam Village,
Perugkurichi Post,
Paramathi Velur Taluk,
Namakkal District.
2. Pavayi
W/o Muthusamy,
Karuvelanthottam,
Kuppirikkapalayam Village,
Perugkurichi Post,
Paramathi Velur Taluk,
Namakkal District.
3. Kalpana
W/o Palanisamy,
Karuvelanthottam,
Kuppirikkapalayam Village,
Perugkurichi Post,
Paramathi Velur Taluk,
Namakkal District.
4. Thanadharshini
D/o. Palanisamy,
Karuvelanthottam,
Kuppirikkapalayam Village,
Perugkurichi Post,
Paramathi Velur Taluk,
Namakkal District.
5. Iswarya
W/o Sathishkumar,
Nedunkadu,
Vellanallampalayam,



Karuveppampatty Village,
Thanneerpanthalpalayam Post,
Tiruchengodu Taluk,
Namakkal District.

..Petitioner(s)

Vs

Palanisamy
S/o Nallaiya Gounder,
Karuvelanthottam,
Kuppirikkapalayam Village,
Paramathi Velur Tk,
Namakkal Dt.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order made in passed in IA No.2/2025 in OS No.29/2025 dated 27.02.2026 pending on the file of the District Munsif Court, Paramathi.

For Petitioner(s):

MR.N.Umapathi

For Respondent(s):

MR.C.T.MOHAN SENIOR COUNSEL FOR
MR.A.CHANDRASEKARAN

ORDER

Aggrieved by the order passed by the Trial Judge in I.A. No.2 of 2025 in O.S.No. 29 of 2025, the defendants have preferred the present revision.

2. Before the Trial Court, the respondent/plaintiff filed O.S. No.29 of 2025 and also filed I.A. No.2 of 2025 under Order XXXIX Rules 1 and 2 CPC seeking temporary injunction restraining interference with the removal of



sugarcane cultivated in Survey No.151/3B and for permission to transport the same through Survey No.151/4 belonging to the defendants. On considering the rival submissions and relying upon the Advocate Commissioner's report, the Trial Court permitted the plaintiff to remove and transport the sugarcane through Survey No.151/4 and also observed that, if any obstruction is caused, police assistance may be sought for removal of the harvested crop. Aggrieved by the said order, the present revision has been filed.

3. At the outset, this Court is of the view that as against an order passed under Order XXXIX Rules 1 and 2 CPC, the appropriate remedy is by way of filing a Civil Miscellaneous Appeal and not by invoking the revisional jurisdiction. Therefore, this Court is not inclined to go into the merits of the impugned order and the parties are at liberty to work out their remedy before the appropriate forum.

4. However, considering the emergent situation pointed out by the learned counsel for the respondent/plaintiff, namely that the sugarcane crop cultivated in about five acres in Survey No.151/3B is ripe for harvest, and photographs produced before this Court also reflect the same, this Court is inclined to pass a temporary arrangement in the interest of justice.



5. Though the plaintiff seeks access through the defendants' land in Survey No.151/4, the Advocate Commissioner's report, particularly paragraph 5, discloses the existence of an alternative pathway available to the plaintiff to reach the public road through Survey No.145/1. The report further indicates that the said pathway has been blocked by temporary debris and waste materials put up by the owners of the adjacent property. Though such owners are not parties to the suit, the materials on record show that a convenient pathway exists for transporting the harvested crop.

6. Therefore, in the interest of justice, the debris and waste materials obstructing the said alternative pathway are directed to be removed by the plaintiff, at his cost, with the assistance of the Advocate Commissioner, in the presence of the jurisdictional police. The jurisdictional police are directed to render necessary assistance to the Advocate Commissioner in removing the obstruction and facilitating access to the plaintiff. The plaintiff is permitted to use the said pathway only for a period of ten days for the limited purpose of harvesting and transporting the sugarcane crop. Beyond the said temporary arrangement, the plaintiff is at liberty to work out his rights before the appropriate Civil Court. Likewise, the revision petitioner/defendants are also at liberty to challenge the order passed under Order XXXIX Rules 1 and 2 CPC before the appropriate appellate forum.



7. Considering the emergent circumstances alone, and in view of the fact that the defendants' lands are also under cultivation and should not suffer, this temporary arrangement is made only for ten days and shall not confer any permanent right upon either party.

8. Mr. R. Vivek is appointed as Advocate Commissioner for implementation of this order, at the cost of the petitioner. Commissioner Fee of Rs.25,000/-.

9. Accordingly, this Civil Revision petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

To

1. The District Munsif Court, Paramathi.

2. The Section Officer, VR section,
High Court of Madras.

**Registry is directed to issue warrant to Advocate Commissioner by
28.04.2026.**

Copy to:

Mr. R. Vivek, MS.2365/2018

No.184, MMPDA Towers, 4th floor, Royapettah High Road,
Chennai-600 014.

Ph.9940268159.



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T.V.THAMILSELVI, J.

MPA

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