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C.M.A.No.3497 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No.3497 of 2025

and C.M.P.No.28928 of 2025

T.Abhinaya Thangaraju

...Appellant

Vs.

V.Dhinesh Kumar

...Respondent

Prayer : The Civil Miscellaneous Appeal is filed under Order XLIII Rule 1 (D) R/W Section 104 of C.P.C, to set aside the decree and judgment dated 30.04.2025 passed in I.A.No.1 of 2025 in O.S.No.27 of 2025 by the Sessions Judge, Mahila Court at Chengalpattu District, allow this appeal.

For Appellant : Mr. C.D.Sugumar

For Respondent : Mr. M.R.Thangavel

JUDGMENT

The captioned CMA is preferred against the order dated 30.04.2009 passed in I.A.No.1 of 2025 in O.S.No.27 of 2025 by the Sessions Judge, Mahila Court, at Chengalpet District.



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2.The respondent/husband as plaintiff has filed the above suit for declaration that he is the absolute owner of the suit property as per sale deed dated 07.04.2022 and for permanent injunction restraining the appellant/wife/defendant from alienating the suit property. He also filed an interlocutory application vide I.A.No.1 of 2025 under Section 39 Rule 1 & 2 and Section 151 of CPC to pass an interim order restraining the appellant from alienating or encumbering the suit property. A detailed counter was filed by the appellant. However, the Court below allowed the said application. Against which the present appeal is preferred.

3.The contention of the appellant/wife is that her parents have provided funds for purchasing the suit property and that she and the respondent/husband are signatories to the said sale deed. Her further contention is that she is the absolute owner of the suit property and she is alone in possession and enjoyment of the same. While so, the respondent/husband is trying to portray as if he had paid the entire sale consideration. By suppressing the material facts, the respondent/husband has obtained the interim order in his favour, warrants interference by this Court.

4.The learned counsel for the respondent/husband would submit that,



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the respondent/husband is the owner of the suit property and had produced sufficient materials to substantiate the same. The trial Court after considering the materials on record rightly granted the interim order restraining the appellant/wife from encumbering the suit property till the disposal of the suit, warrants any interference by this Court.

5.Heard on both sides and records perused.

6.The fact in issue requires oral and documentary evidences to come to a fair conclusion. The respective parties are directed to lead evidences in this regard before the trial Court.

7.With this observation, the captioned Civil Miscellaneous Appeal is disposed of. However, the trial Court is directed to dispose the case within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected civil miscellaneous petition is closed.

12.02.2026

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

vsn

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To

1. The Sessions Judge, Mahila Court at Chengalpattu District
2. The Section Officer,
VR Section,
High Court, Madras.



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C.M.A.No.3497 of 2025

K.GOVINDARAJAN THILAKAVADI, J.

vsn

Pre-delivery Judgment made in

C.M.A.No. 3497 of 2025 and
and C.M.P.No.28928 of 2025

12.02.2025