Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.6902 of 2026
and
C.M.P.No.29682 of 2026

CNR: {HCMA012330002026}

K.M.H.Sultan Akbarsha
S/o.K.N.M.Hameed Sultan
S.E.S.Fathima Beevi

..Petitioner

Vs

1. Sultan Zahirsha
   S/.K.N.M. Hameed Sultan and
   S.E.S.Fathima Beevi
   represented by his Power of Attorney
   Marziyana
   W/o Dr Sulaiman

2. Marziyana
   W/o.Dr Sulaiman

3. K.M.H.Sultan Ajmal Sha
   S/o.K.N.M. Hameed Sultan and
   Mrs S.E.S.Fathima Beevi

4. Roshana Begum
   W/o.Mohamed Ahmed Ansare

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the *ex parte* interim injunction order dated 14.07.2026 passed in I.A. No.3 of 2026 in O.S.No.170 of 2026 by the learned Subordinate Judge, Mannargudi.

For Petitioner : Mr.P.Mohamed Ahmed Ansare

*****

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 14.07.2026 passed in I.A.No.3 of 2026 in O.S.No.170 of 2026 wherein the Court below granted an order of interim injunction in favour of respondents 1 and 2/plaintiffs.

2. Heard learned counsel for petitioner and carefully perused the materials available on record. This Court also went through the impugned order.

3. The respondents 1 and 2 are the plaintiffs, who filed the suit in O.S.No.170 of 2026 seeking for the relief of permanent injunction and mandatory injunction. Respondents 1 and 2/plaintiffs filed I.A.No.3 of 2026 in O.S.No.170 of 2026 under Order XXXIX Rule 1 and 2 CPC seeking interim injunction restraining the defendants from constituting anyone as Administrator or Khalifa relating to the Durgah. On 14.07.2026, the Court below granted an order of interim injunction.

4. The grievance of the petitioner/first defendant is that the Court below did not even take into consideration the fact that interim injunction has been granted against the co-owners and taking advantage of the order, the respondents 1 and 2/plaintiffs are refusing the co-owners from having access to

https://www.mhc.tn.gov.in/judis

Order QR
WEB COPY

the property and that apart, no notice was issued to the defendants as contemplated under Order XXXIX Rule 3A CPC and in spite of the same, the Court below continues to extend the interim order.

5. In the considered view of this Court, the Court below passed the order of interim injunction on 14.07.2026. If really the petitioner was aggrieved by the said order and it was causing inconvenience to the co-owners, appropriate remedy to be resorted to is to file an application under Order XXXIX Rule 4 CPC and insist for hearing of the application. Instead, the present revision has been filed under Article 227 of the Constitution of India in September'2026 and the petitioner is seeking for interference with the order passed on 14.07.2026.

6. This Court will exercise its jurisdiction under Article 227 of the Constitution of India only in very rare cases as against the order of interim injunction. This is in view of the fact that there is an alternate efficacious remedy available under Order 43 Rule 1 CPC.

7. Considering the grievance expressed by the petitioner, there shall be a direction to the petitioner to immediately file a counter in I.A.No.3 of 2026 in O.S.No.170 of 2026 and the Court below is directed to deal with the said application on its own merits and in accordance with law and pass orders within a period of two (2) weeks from the date of receipt of a copy of this order.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.ANAND VENKATESH, J.

gm

This civil revision petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

30-10-2026

Note: Issue order copy by 02.11.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To
The Subordinate Judge,
Mannargudi.

Civil Revision Petition No.6902 of 2026

https://www.mhc.tn.gov.in/judis