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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.7228 of 2026
and
C.M.P.No.31178 of 2026

Case QR

CNR: {HCMA012727232026}

J.Shyamdev Mundhra
S/o.late C.Jeevanlalji Mundhra

..Petitioner

Vs

J.Krishnakumar Mundhra
S/o.late C.Jeevanlalji Mundhra

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 23.09.2026 passed in I.A.No.14 of 2026 in O.S.No.3295 of 2023 on the file of III Additional City Civil Court, Chennai.

For Petitioner : Mr.Jeremiah Gregory John

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 23.09.2026 passed in I.A.No.14 of 2026 in O.S.No.3295 of 2023 by the Additional City Civil Court, Chennai, wherein the application filed by the petitioner/plaintiff under Order VI Rule 17 CPC seeking amendment of plaint, came to be rejected by the Court below.

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

3. The petitioner/plaintiff originally filed the suit in O.S.No.3295 of 2023 seeking the relief of permanent injunction restraining the respondent/defendant from in any manner interfering with the possession and enjoyment of the property. It is stated that interim application was filed seeking interim injunction and *status quo* was ordered and in spite of the same, the respondent/defendant is said to have locked the property and prevented the petitioner from having access to the property. It is under these circumstances, the present application came to be filed in I.A.No.14 of 2016 in O.S.No.3295 of 2023 under Order VI Rule 17 CPC seeking the following amendment:

> "(a)(a) granting permanent injunction restraining the defendant herein or his men or his agents or anybody claiming through him from encumbering, transferring or mutating the suit schedule property in any manner especially in favour of any person."

The Court below dismissed the said application. Aggrieved by the same, the present revision has been filed before this Court.

4. In the considered view of this Court, if the petitioner has been denied possession of property in spite of the order of *status quo*, the petitioner has to independently work out his remedy by initiating contempt proceedings. If, according to the petitioner his possession has been taken away, the petitioner

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has to necessarily seek recovery of possession whereas the petitioner has sought for permanent injunction restraining the respondent/defendant from encumbering or alienating the suit property. Such a relief does not in any way grant any effective relief to the petitioner. At best, the petitioner must seek recovery of possession and an order restraining the respondent/defendant from alienating the suit property can only be sought as an interim order. The order passed by the Court below is supported by reasons and it does not suffer from any perversity warranting interference of this Court.

Accordingly, the impugned order is sustained and this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17-11-2026

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

To
The III Additional City Civil Court,
Chennai.

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N.ANAND VENKATESH, J.

gm

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