



C.R.P.Nos.405 and 480 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 09.02.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.Nos.405 and 480 of 2026**  
**and**  
**C.M.P.Nos.2305 and 2654 of 2026**

1.R.Murugan

2.R.Saravanan

... Petitioners (in both CRPs)

vs.

A.Anitha

... Respondent (in both CRPs)

**COMMON PRAYER:** Civil Revision Petitions are filed under Article 227 of the Constitution of India, to allow these Civil Revision Petitions and set aside the order passed in C.M.A.Nos.1 and 2 of 2025 in I.A.Nos.2 and 3 of 2024 in O.S.No.3401 of 2024, dated 31.10.2025 on the file of the V Additional City Civil Court, Chennai against I.A.Nos.2 and 3 of 2024 in O.S.No.3401 of 2024, dated 29.10.2024 on the file of the II Assistant City Civil Court at Chennai.

For Petitioners : Mr.G.Ilangovan (in both CRPs)

For Respondent : Mr.R.Thiagarajan (in both CRPs)



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## **COMMON ORDER**

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These Civil Revision Petitions are filed challenging the order passed by the V Additional City Civil Court, Chennai/First Appellate Court in C.M.A.Nos.1 and 2 of 2025 in I.A.Nos.2 and 3 of 2024 in O.S.No.3401 of 2024, dated 31.10.2025 directing the parties to maintain *status quo* of the suit property pending disposal of the suit.

2. The respondent herein filed a suit for permanent injunction restraining the petitioners/defendants from interfering with her peaceful possession and enjoyment of the suit property. She also sought for injunction restraining the petitioners/defendants from encumbering and alienating the suit property. Pending suit, the respondent also filed an application seeking temporary injunction. The said application was dismissed by the Trial Court. Aggrieved by the same, the respondent filed an appeal before the First Appellate Court. The First Appellate Court allowed the interlocutory applications and granted temporary injunction in favour of the respondent as prayed for.



3. Aggrieved by the same, the petitioners herein preferred civil revision petitions in C.R.P.Nos.3687 and 3689 of 2025. Both the civil revision petitions were allowed on 20.08.2025 by setting aside the order passed by the First Appellate Court and the matter has been remanded back to the First Appellate Court with a direction to consider the same afresh. While remanding the matter, this Court appointed an Advocate Commissioner and he visited the property along with Surveyor and filed a report on 25.09.2025. After recording the construction to the extent of 370 sq.ft made in the suit property and recording that there was no pathway available for the respondent to enter the suit property, this Court injuncted the petitioners herein from putting up any further construction till the disposal of the main civil miscellaneous appeals. Thereafter, the civil miscellaneous appeals were again taken up for consideration by the First Appellate Court and passed the impugned order, parties were directed to maintain *status quo*. Aggrieved by the same, the petitioners have come before this Court.

4. The learned counsel appearing for the petitioners vehemently contended that the respondent herein purchased the property from one Amirthalingam and he intend to claim right over the property under



Unprobated Will executed by Solai Naicker, his father and father of the petitioner's father-Radhakrishnan. The learned counsel further submitted that the Will was executed within territorial limits of original jurisdiction of this Court and therefore, the Unprobated Will will not convey any right to Amirthalingam to convey the property absolutely to the respondent. In view of the same, the respondent has no semblance of right over the suit property and hence, the First Appellate Court committed an error in granting order of *status quo*.

5. It is seen from the pleadings of the parties originally the property was purchased by Solai Naicker under Sale Deed dated 08.10.1958. According to the respondent, he executed a Will on 09.07.1986 bequeathing the property in favour of his sons of Radhakrishnan and Amirthalingam. The respondent herein purchased the property from the above said Amirthalingam. Therefore, even in the absence of Will executed by Solai Naicker, Amirthalingam is entitled to a share in the suit property, in his capacity as son of Solai Naicker. Therefore, the Sale Deed executed by Amirthalingam in favour of the respondent is valid to the extent of his share in the suit property. Therefore, by virtue of Sale Deed executed by Amirthalingam, the respondent has become co-owner of the petitioner, even



assuming the Will is invalid as it was not probated. Therefore, the contention raised by the learned counsel appearing for the petitioners the respondent has no semblance of right over the suit property is not correct.

6. This Court by appointing the Advocate Commissioner already ascertained the state of affairs prevailing in the suit property and the same is part of the record. Having regard to the controversy between the parties and the validity of the Will, this Court feels the First Appellate Court is justified in directing the parties to maintain *status quo* till the disposal of the suit. The *status quo* prevailing on the suit property had already been noted in the Advocate Commissioner's report dated 25.09.2025. After recording the same, this Court enjoined the petitioners from putting up any construction till the disposal of the civil miscellaneous appeals. Taking note of the same, the First Appellate Court directed parties to maintain *status quo*.

7. In view of the same, I do not find any irregularity or illegality in the order passed by the V Additional City Civil Court, Chennai/First Appellate Court in C.M.A.Nos.1 and 2 of 2025 in I.A.Nos.2 and 3 of 2024 in O.S.No.3401 of 2024, dated 31.10.2025 directing the petitioners to maintain *status quo*.



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8. Accordingly, the Civil Revision Petitions are dismissed. No costs.

Consequently, the connected civil miscellaneous petitions are closed.

**09.02.2026**

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



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To

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- 1.The V Additional City Civil Court,  
Chennai.
- 2.The II Assistant City Civil Court,  
Chennai.



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**S.SOUNTHAR, J.**

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