



WEB COPY

CRP No. 6593 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6593 of 2025 and
CMP.No.32631 of 2025**

J. Balasubramani

Petitioner

Vs

M.Sudha

Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to strike off the plaint in OS No.4 of 2025 on the file of the District Munsif Cum Judicial Magistrate, Madhavaram.

For Petitioner(s): Mr. P.Satheesh Kumar

ORDER

The civil revision petition is filed seeking to strike off the plaint in OS No.4 of 2025 on the file of the District Munsif Cum Judicial Magistrate, Madhavaram.

2. The respondent herein filed a suit for bare injunction against the



petitioner restraining him from interfering with her peaceful possession and enjoyment of the suit property except due process of law. According to the respondent, she entered the property as a tenant under the petitioner from the year 2009. There is no written lease agreement between the petitioner and the respondent. It is further stated that the petitioner attempted to vacate the respondent except due process of law. Therefore, the instant suit has been filed for limited relief of restraining petitioner from interfering with respondent's peaceful possession of the suit property.

3. The learned counsel for the petitioner submitted that there is no written lease agreement between the petitioner and the respondent and the respondent is only a trespasser. Therefore, she is not entitled to maintain a suit against the real owner and hence, the suit shall be struck off from the file. It is further stated that the son of the respondent was a tenant under the petitioner. He vacated the premises and handed over the possession to the petitioner and thereafter, the respondent entered the suit property illegally and squatting on the same. The respondent seeks qualified injunction restraining the petitioner from interfering with her possession except due process of law. Even according to the petitioner, the respondent is a trespasser. Therefore, the physical possession of the respondent over the suit property is admitted. In such circumstances, the petitioner has to follow due process of law for recovery of possession from the respondent and he is not entitled to take law into his own hands by interfering with her possession except by due process of law. In such circumstances, the



limited injunction sought for by the respondent *prima facie* appears to be maintainable and hence, this Court is not inclined to exercise supervisory power to strike off the plaint.

4. As far as the contention raised by the petitioner that the respondent is not entitled to maintain a suit for injunction on equitable ground is concerned, it is always open to him to lead evidence before the trial court and convince the trial court with regard to the entitlement of the respondent to maintain a suit for equitable relief.

5. It is brought to the notice of this court that the defendant filed a written statement in that suit as early as March 2025. Taking into consideration the pleadings are already completed, the trial court is directed to dispose of the suit as expeditiously as possible.

6. With this direction, the civil revision petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

02-01-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The District Munsif Cum Judicial Magistrate, Madhavaram.



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S.SOUNTHAR J.
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