



C.R.P.(PD)(MD)No.1349 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2026

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.(PD)(MD)No.1349 of 2023

P.Ganesan

... Petitioner

Vs

Pangu Thanthai,
Chettiarvilai Peravai,
Rep. by his Power of Attorney,
S.Soosai Michael.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the judgment and decree dated 20.11.2022 passed in C.M.A.No.3 of 2017 on the file of the Subordinate Judge, Padmanabhapuram, confirming the Fair and Decretal order dated 18.04.2017 passed in I.A.No.193 of 2017 in O.S.No.44 of 2017 on the file of the Additional District Munsif Court, Padmanabhapuram.

For Petitioner : M/s.J.Anandhavalli

For Respondent : Mr.N.S.Ramakrishna Dass



C.R.P.(PD)(MD)No.1349 of 2023

ORDER

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This Civil Revision Petition has been filed challenging the order passed by the 1st appellate Court, dismissing the appeal filed by the petitioner, questioning the interim injunction granted by the trial court.

2. The respondent herein filed a suit in O.S.No.44 of 2017 on the file of Additional District Munsif Court, Padmanabhapuram, seeking bare injunction restraining the petitioner/defendant from trespassing into the suit property. Pending suit, an application has been filed by the respondent in I.A.No.193 of 2017 seeking temporary injunction. The said application was allowed and temporary injunction pending suit was granted in favour of respondent/plaintiff. Aggrieved by the same, the petitioner/defendant filed an appeal in C.M.A.No.3 of 2017 on the file of the Subordinate Judge, Padmanabhapuram. The first appellate court affirmed the findings of the trial court and dismissed the appeal. Aggrieved by the concurrent findings against him, the petitioner has come by way of this Civil Revision Petition.

3. The learned counsel appearing for the petitioner would submit that the suit filed by the power agent of respondent is not at all



C.R.P.(PD)(MD)No.1349 of 2023

maintainable and the said plea has not been considered by the Courts below. The learned counsel also submitted that the respondent failed to prove its title as well as possession over the suit property and the findings rendered by the Courts below are contrary to the evidence available on record.

4. It is the case of the respondent/plaintiff that the suit property originally belonged to one Joice, wife of Kutty Nadar. She sold the property to Manalikai Carmel Mission by sale deed dated 21.11.1997. The said Carmel Mission was bifurcated and during that process, the suit property was allotted to Chettiarvillai Pangu Peravai, who is the respondent herein. It is further stated in the plaint that petitioner/defendant who purchased the property adjacent to the suit property without having any manner of right attempted to interfere with the respondent's peaceful possession and enjoyment.

5. This Court heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.



C.R.P.(PD)(MD)No.1349 of 2023

WEB COPY

6. Ex. A1 is the sale deed in favour of Manalikai Carmel Mission executed by one Joice, W/o. Kutty Nadar . EX.A3 is the patta in the name of the plaintiff. Ex.A9 is the copy of decree passed in S.A.No. 92 of 1974, wherein the suit property was said to have allotted to vendor under Exhibit A1. The trial Court as well as first appellate Court based on Ex.A1, Ex.A2 and Ex.A9 and other documents filed on behalf of the respondent/plaintiff came to the conclusion that the plaintiff proved his *prima facie* possession and right over the suit property and granted temporary injunction.

7. It is also seen from the typeset of papers that the trial Court had granted temporary injunction as early as on 18.04.2017 and the said order passed by the trial court has been confirmed by the 1st Appellate Court by order dated 29.11.2022.

8. At the time of admission, this Court only ordered notice and no interim suspension was granted. Therefore, it is clear that temporary injunction order passed by the trial Court has been operating



C.R.P.(PD)(MD)No.1349 of 2023

against the petitioner from 18.04.2017 onwards. Therefore, at this distant time, there is no necessity to interfere with the *prima facie* findings rendered by the Courts below with regard to the possession of the respondent over the suit property.

9. Hence, this Civil Revision Petition is dismissed. However, considering the fact that the suit is of the year 2017, the trial Court is directed to dispose of the suit as expeditiously as possible. It is made clear that any observations made in this order shall not affect the rights of the petitioner, and the trial Court shall decide the main suit independently on the basis of the evidence available on record. There shall be no order as to costs.

29.06.2026

NCC : Yes / No
Index : Yes / No
vsm

To

- 1.The Subordinate Judge, Padmanabhapuram,
- 2.The Additional District Munsif Court,
Padmanabhapuram.



C.R.P.(PD)(MD)No.1349 of 2023

3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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C.R.P.(PD)(MD)No.1349 of 2023

S.SOUNTHAR, J.

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C.R.P.(PD)(MD)No.1349 of 2023

29.06.2026