



CMA(MD) No.608 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.05.2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMA(MD) No.608 of 2026
and CMP(MD)No.6182 of 2026

1. Seela

2. Ganeshan

... Appellants

Vs

1. Bhavani

2. S.Sathish Kumar

3. Selvakumar

4. Amirtharajan

5. Bharat Petrol Private Ltd,
Represented Through the Manager,
No.12a, 1st Floor,
Vallabhai Road,
Chinna Chokkikulam,
Madurai - 625 002.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1(R) of Civil Procedure Code, to set aside the order, dated 12.03.2026 made in I.A.No.1 of 2026 in O.S.No.143 of 2026 on the file of the learned Principal District Judge, Dindigul and by allowing this appeal.

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For Appellants : Mr.D.Gopal
for Mr.J.Senthil Kumaraiah

ORDER

This Civil Miscellaneous Appeal has been filed to set aside the order, dated 12.03.2026 made in I.A.No.1 of 2026 in O.S.No.143 of 2026 on the file of the learned Principal District Judge, Dindigul.

2.Heard the Appellants.

3.The main grievance urged by the Appellants is that the order, dated 12.03.2026 in I.A.No.1 of 2026 is without any reasons and it is also the further submission of the learned counsel for the Appellants that Order 39 Rule 3 A of C.P.C., has not been complied with and in spite of that the interim order was extended. Apart from that, it is also submitted that the respondents 1 and 2 have no right over the petition mentioned property. However, the learned Principal District Judge has granted ad-interim injunction.



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4.It is also the contention of the learned counsel for the Appellants that they have entered into the lease agreement with the respondent No.3 as early as in the year 2023 and the respondents 1 and 2 have not raised any objection after fully knowing about the same. Now only under the instigation of the third respondent, the present suit has been filed.

5.The learned counsel also invited the attention of this Court that they have invested huge amount and also put up construction. Due to this interim order, they are not in a position to proceed with the same and thereby, there is a possibility of escalation in the construction cost.

6.I have given my anxious consideration to the submission of the Appellants.

7.Though the learned counsel for the Appellants would raise objection in respect of the reasoning, while perusing the impugned order, this Court finds sufficient reasoning. Therefore, on that score, the question of interference of the impugned order does not arise. This being ad-interim stay apart from the above defence of inadequacy of reasoning, I do not find



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any ground to interfere with the impugned order. At this juncture, the learned counsel for the Appellants submitted that they have already put up huge construction and because of the ad-interim order of stay they could not proceed with construction and there is a possibility of escalation of cost.

8.Though the learned counsel for the Appellants would submit that the respondents 1 and 2 have no right over the property, it is too premature to go into the same.

9.Accordingly, this Court could not find any patent error in the reasoning. At this juncture, the learned counsel for the Appellants would submit that they have already filed counter. Hence, considering the totality of the circumstances, this Court is inclined to dispose of this C.M.A with a direction to the learned Principal District Judge, Dindigul to dispose of I.A No.1 of 2026 in OS No.143 of 2026 as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.



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10. With the above directions, this Civil Miscellaneous Appeal is disposed of. Consequently, connected miscellaneous petition is closed.

06.05.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PNM

Note: Issue order copy on 06.05.2026

To

1. The Principal District Judge, Dindigul

2. The Section Officer

Vernacular Section,

Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN, J.,

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and CMP(MD)No.6182 of 2026

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