



**CMP(MD) NO. 19782 of 2025**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 20-04-2026**

**CORAM**

**THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HONOURABLE MS.JUSTICE R. POORNIMA**

**CMP(MD) NO. 19782 of 2025**

**in**

**A.S.(MD)No.527 of 2025**

**Arumugathammal (Died)**

Devi,  
D/o. Late. Krishnan,  
Sivagangai Town,  
Sivagangai Taluk,  
Sivagangai District.  
Sarva Sakthi Mariamman Temple,  
South Tharanallur,  
Trichy Town – 8,  
Trichy District.  
Permanently residing at No.12-1, Asoker Street  
Nehru Bazaar, Sivagangai,  
Sivagangai District.

**Petitioner(s)**

**Vs**

1.Veerapathiran alias Saravanan  
S/o. Late. Krishnan  
Door No.2/2, College Road  
1st Street, Sivagangai Town

1/6



2. Muthumari  
S/o. Late. Krishnan  
Ashok Street  
Sivagangai Town  
Sivagangai Taluk  
Sivagangai District.

3. Prem Ananth  
S/o. Late. Krishnan  
Door No.286, Opp. Sivankovil  
Justice Rajasekaran Salai  
Sivagangai Town  
Sivagangai Taluk  
Sivagangai District.

4. The Branch Manager  
Tamil Nadu Mercantile Bank  
Sivagangai.

Respondent(s)

**For Petitioner(s):**

## Devi, Party in Person

**For Respondent(s):**

Mr.K.Jeyamohan for R1 To R3  
Mr.N.Muthu Vijayan for R4

**Prayer:** To Stay the operation of the Judgment and Decree passed in O.S.No.70 of 2019 on the file of the Additional District Court, Sivagangai dated 24.07.2025 pending disposal of the above appeal and pass such further or other orders, as this Honourable Court may deems fit and proper in the circumstances of the case and thus render justice.



**ORDER**

(Order of the Court was made by the Hon'ble G.R.Swaminathan, J.)

Heard the petitioner in person, the learned counsel for the plaintiffs and the learned standing counsel for TMB.

2.The second defendant in O.S.No.70 of 2019 on the file of Additional District Court, Sivagangai has filed this appeal. The respondents 1 to 3 filed the said suit seeking the relief of declaration and permanent injunction. The Court below vide judgment and decree dated 24.07.2025 granted relief as prayed for, subject to the right of TMB to recover its dues from schedule B property.

3.It is seen that the lands in question stood in the name of the deceased Arumugathammal. While the plaintiffs would claim that Arumugathammal did not have any independent source of income and that it was purchased from the joint family income, the appellant / Devi would contend that Arumugathammal was engaged in rice business and that she had her own independent source of income. Be that as it may, the



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Court below has given declaration in favour of the plaintiffs. So long as the said finding is holding good, we have to proceed on the footing that the property is a joint family property. It is seen that items 1 and 4 of A schedule properties are vacant lands and that they do not generate any income. The second item of the A schedule property is in the possession and enjoyment of the appellant. The third item of A schedule and B schedule properties generates income to the tune of Rs.55,000/-

4. Prima facie, we are satisfied that the plaintiffs had contributed for putting up the superstructure. The mother / Arumugathammal had executed a settlement deed in favour of the appellant. While executing the settlement deed, the appellant had also been tasked with a duty to clear the bank's dues. Taking into account all these aspects, we put it to the plaintiffs that they must come forward to make some payment to the appellant during the pendency of the appeal.

5. The plaintiffs undertake before this Court that they will remit a sum of Rs.12,500/- per month in the bank account of the appellant during the pendency of appeal. It will commence from 01.06.2026



onwards. The plaintiffs are restrained from encumbering or dealing with the property in any manner. The plaintiffs further undertake before this Court that they will clear the bank dues without committing any default. This undertaking is also placed on record. The right of TMB to recover the dues from the mortgaged property / secured asset is left intact.

6.This civil miscellaneous petition is disposed of accordingly.

**(G.R.SWAMINATHAN J.) (R.POORNIMA J.)**  
**20-04-2026**

ias

To

1.Veerapathiran @ Saravanan  
S/o. Late. Krishnan  
Door No.2/2, College Road  
1st Street, Sivagangai Town  
Sivagangai Taluk  
Sivagangai District.

2. Muthumari  
S/o. Late. Krishnan  
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5/6



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4. The Branch Manager  
Tamil Nadu Mercantile Bank  
Sivagangai.

***Copy to:***

The Additional District Court,  
Sivagangai.