2026:MHC:4305

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-10-2026

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

C.R.P. NO. 3427 OF 2023

{C.N.R. No.HCMA011207322023}

AND

C.M.P. NO. 21261 OF 2023

1. R. Venkatesh Rao
   S/o R.Ramamoorthy,
   Residing at 1/148,
   Senthamangalam Village,
   Ulundurpet Taluk,
   Villupuram District.
2. R.Jayakumar
   S/o R.Ramamoorthy,
   Residing at 1/148,
   Senthamangalam Village,
   Ulundurpet Taluk,
   Villupuram District.

...Petitioners/
Petitioners/
Plaintiffs

-versus-

1. N. Kaliyan
   S/o Narayasamy,
   Residing at Deviyananthal Village,
   Ulundurpet Taluk, Villupuram District.

2. K.Ramu
   S/o Kaliyan,
   Residing at Deviyananthal Village,

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Ulundurpet Taluk, Villupuram District.

3. K. Gandhi
S/o Kaliyan,
Residing at Deviyananthal Village,
Ulundurpet Taluk, Villupuram District.

4. K.Kannan
S/o Kaliyan,
Residing at Deviyananthal Village,
Ulundurpet Taluk, Villupuram District.

5. K. Babu
S/o Kaliyan,
Residing at Deviyananthal Village,
Ulundurpet Taluk, Villupuram District.

6. K.Duraimurugan
S/o Kaliyan,
Residing at Deviyananthal Village,
Ulundurpet Taluk, Villupuram District.

7. K. Muthulakshmi
W/o Kaliyan,
Residing at Deviyananthal Village,
Ulundurpet Taluk, Villupuram District.

...Respondents/
Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside the Order made in I.A.

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No.2 of 2022 in I.A. No.236 of 2019 in I.A. No.434 of 2018 in O.S. No.84 of 2018 on the file of the Additional District Munsif Court, Ulundurpet.

For Petitioners : Mr.K.Jenitha

For Respondent 1 to 7 : Ms. B.Ambika

O R D E R

This civil revision petition has been filed by the petitioner/plaintiff under Article 227 of the Constitution of India, 1950, challenging the dismissal order dated March 3, 2023 passed by 'the Additional District Munsif Court, Ulundurpet' ['Trial Court' for short] in I.A. No.2 of 2022 in I.A. No.236 of 2019 in I.A. No.434 of 2018 in O.S. No.84 of 2018.

2. The revision petitioners herein are the plaintiffs and the respondents herein are the defendants in the Original Suit. For the sake of convenience, the parties shall hereinafter be referred to as per their array in the Original Suit.

3. The plaintiffs filed the Original Suit in O.S. No.84 of 2018 seeking permanent injunction before the Trial Court against the defendants. Pending Suit, the plaintiffs filed an Interlocutory Application in I.A. No.434 of 2018 seeking a temporary injunction under Order XXXIX Rules

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1 & 2 of 'the Code of Civil Procedure, 1908' ['C.P.C.' for short]. After hearing both sides, the Trial Court allowed the Interlocutory Application by its Order dated December 13, 2018. Aggrieved by the same, the first defendant preferred a Civil Miscellaneous Appeal in C.M.A. No.1 of 2019 before the Sub Court, Ulundurpet. The learned Sub Judge, after hearing both sides, dismissed the Civil Miscellaneous Appeal and confirmed the Order of *interim* injunction passed by the Trial Court *vide* their Order dated October 28, 2021.

4. Thereafter, according to the plaintiffs, the defendants harvested the paddy crops cultivated by the plaintiffs in the suit properties and when the plaintiffs questioned the same, the defendants attempted to attack the plaintiffs with deadly weapons and thereby *inter-alia* violated the Order of interim injunction. Hence, the plaintiffs filed another Interlocutory Application in I.A. No.236 of 2019 in I.A. No.434 of 2018 under Order XXXIX Rule 2A read with Section 151 of C.P.C. seeking to detain the defendants in civil arrest and attach the harvested paddy crops to get compliance on the *interim* injunction granted by the Trial Court. The same is pending. In the meantime, the plaintiffs were forcefully dispossessed of the suit property by the defendants on January 16, 2019 and hence, the plaintiffs filed another Interlocutory application in I.A. No.2 of 2022 in

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I.A. No.236 of 2019 in I.A. No. 434 of 2018 in O.S. No.84 of 2018 seeking police aid to enforce the Order of *interim* injunction granted in I.A. No.434 of 2018.

5. The defendants filed a counter affidavit in I.A. No.2 of 2022 stating that the plaintiffs were not in possession and enjoyment of the suit property, on the other hand, it is the defendants who are in continuous possession and enjoyment of the same.

6. After hearing both sides, the Trial Court held that the plaintiffs are not entitled to seek police aid to enforce the Order of *interim* injunction. Accordingly, it the Trial court dismissed the Interlocutory Application. Aggrieved by the same, the plaintiffs have preferred the present Civil Revision Petition.

7. The learned Counsel for the revision petitioners / plaintiffs submits that the Trial Court granted a temporary injunction in I.A. No.434 of 2018 and the same was confirmed by the Sub Court, Ulundurpet, in C.M.A. No.1 of 2019. Further submits that the defendant preferred a Civil Revision Petition in C.R.P. No. 4374 of 2026, challenging the order passed in C.M.A. No. 1 of 2019. This Court also confirmed the order passed in C.M.A. No. 1 of 2019. Despite the same, the defendants, in a high-handed

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and unlawful manner, trespassed into the suit property and forcibly dispossessed the plaintiffs. The defendants have thus wilfully and wantonly disobeyed the Order of the Court, and such disobedience continues till date. The Trial Court ought to have ensured that its Order is not violated. Accordingly, the learned Counsel prays to allow this Civil Revision Petition, set aside the Order passed by the Trial Court and allow I.A. No.2 of 2022.

8. *Per contra*, the learned Counsel for the respondents / defendants would submit that the defendants are in possession and enjoyment of the suit property. Though an Order of interim injunction was passed, the defendants were already in possession and enjoyment of the suit property even before the said Order was passed. Hence, the averment that the plaintiffs were dispossessed during the pendency of the Suit is incorrect. The Trial Court, after considering the entire facts and circumstances of the case, rightly dismissed I.A.No.2 of 2022. Therefore, there is no warrant for interference by this Court. Accordingly, the learned Counsel prays to dismiss the Civil Revision Petition and sustain the Order passed by the Trial Court in I.A. No.2 of 2022.

9. This Court has considered the submissions made by both sides and perused the materials available on record.

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10. The plaintiffs obtained an Order of *interim* injunction in their favour in I.A. No. 434 of 2018, wherein there is a specific finding that the plaintiffs' are in possession of the suit property. The same was confirmed in appeal by the Sub Court, Ulundurpet by its Order passed in C.M.A. No.1 of 2019. If really the defendants are in actual possession of the suit property, they ought to have preferred an appeal over the Order passed in C.M.A. No.1 of 2019 but they failed to do so. On the other hand, the first defendant preferred a Civil Revision Petition in C.R.P. No. 4374 of 2026 before this Court, and the same was disposed of by order dated August 14, 2026, confirming the order dated October 28, 2021, passed by the learned Subordinate Judge, Ulundurpet, in C.M.A. No. 1 of 2019. Hence, the Order of *interim* injunction reached finality. In these circumstances, the defendants cannot be permitted to reagitate the matter. In the eyes of law, the plaintiffs are in possession of the suit property and they have in their favour an *interim* injunction against the defendants. Defendants must obey the Order of the Court. As the plaintiffs' have specifically stated that they were dispossessed by use of force on January 16, 2019, they are entitled to seek police aid to enforce the Order of interim injunction against the defendants. Otherwise, it would set a bad precedent as the Court Order would remain merely on paper. The Trial Court failed to appreciate the above facts and erred in dismissing I.A.No.2 of 2022. This Court is

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inclined to set aside the Order of dismissal of the Trial Court passed in I.A.No.2 of 2022 and allow the same.

11. Resultantly, Civil Revision Petition is **allowed.** The Order dated March 3, 2023 passed in I.A.No.2 of 2022 by the Trial Court is set aside. I.A.No.2 of 2022 is allowed. Jurisdictional police is directed to extend police aid to enforce the Order of *interim* injunction passed by the Trial Court in I.A. No. 434 of 2018 and restore the plaintiffs' possession of the suit property. The Trial Court shall take necessary steps on its side for enforcement of the above Order. In view of the facts and circumstances of this case, there shall be no order as to costs and the parties are directed to co-operate with the Trial Court for expeditious disposal of the Suit. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes
Speaking order
Neutral Citation : Yes

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To:

The Additional District Court, Ulundurpet.

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