



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

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CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 151 of 2022

Subramaniam

S/o.Late.Karupana Gounder

139, Dharapuram Road,

Kangayam Village And Taluk,

Tiruppur District.

..Appellant(s)

Vs

1. Kanagaraj

S/o.Late.Karupana Gounder

139/b, Kangayam,

Kangayam Village And Taluk,

Tiruppur District.

2. Rajendran

S/o.Late.Karupana Gounder

139, Dharapuram Road,

Kangayam Village And Taluk,

Tiruppur District.

Present Address

60, Chettiyar Thoppu, Melur Road,

Srirangam, Trichy-6, Trichy Dist.



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..Respondent(s)

For Appellant(s): Mr.S. Saravanan

For Respondent(s): Mr. R.Prabakar for R1

Order

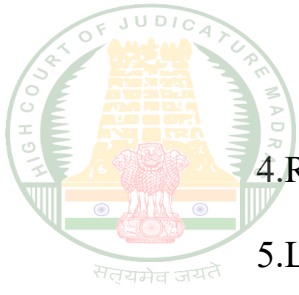
Challenging the reversal finding of the first appellate Court, the present second appeal has been filed by the defendant.

2. The Second Appeal is admitted based on the following substantial questions of law :

a. Whether the lower appellate court is right in granting a decree for mandatory injunction by directing the appellant to restore the water channel "BCF" when the plaintiff admits that he has not pleaded in the plaint that he had restored the water channel marked "BCF" after laying PVC pipeline and hence perverse?

b)Whether the lower appellate court is right in law in granting a decree on the basis of an easementary right when by grant of such decree the easementary right of the appellant to gave ingress and egress to the north-south road from his land would be denied?

3.Notice.



4.Registry is directed to call for the records from the Court below.

5.List the matter on 16.03.2026.

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To

1. The Subordinate Judge,
Kangayam,
Tiruppur District.

2.The District Munsif,
Kangayam,
Tiruppur District.



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T.V.THAMILSELVI J.

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