



WEB COPY

SA No. 30 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 30 of 2026

AND

CMP NO. 613 OF 2026

1. F.Jasmin

W/o Francis , Old No.58/2, New
No.24, 2nd Floor, Padavattan Street,
Gurupuram, Abhiramapuram,
Teynampet, Chennai 600 018

Appellant(s)

Vs

1. S.Robin Raj

S/o Samson, Old No..58/2, New
No.24, 2nd Floor, Padavattan Street,
Gurupuram, Abhiramapuram,
Teynampet, Chennai 600 018

Respondent(s)

PRAYER

To set aside the Judgment and decree dated 25.10.2024 passed in AS NO. 209 of 2024 by the XVI Additional Judge, City Civil Court, Chennai reversing the Judgement and Decree dated 06.04.2024 passed in OS.No.871 of 2018 by the XIII Assistant Judge, City Civil Court, Chennai (FAC of XVI Court) and pass Such Further or other orders as this Honble Court.

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For Appellant(s): Mr.T. Stalin Gnanadas

For Respondent(s):

ORDER



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The learned counsel for the appellant submits that the the plaintiff has not claimed the relief of specific performance , nor did he reserve his right to claim it later by seeking leave under Order II Rule 2 CPC. Thus, the entire claim for injunction, being consequential to an agreement of sale, is not maintainable. Hence, he prays to admit this Second Appeal.

2. This Second appeal is admitted on the following substantial questions of law:

i. Whether the first appellate Court erred in granting an injunction in favour of the respondent/plaintiff based solely on an unregistered sale agreement, in the absence of a claim for specific performance ?

ii. Whether an injunction can be granted in favour of a plaintiff who has not obtained leave under Order II Rule 2 CPC, having failed to claim the main relief of specific performance ?

iii. Whether the first appellate Courts erred in law in granting the plaintiff any equitable relief, including injunction or liberty to enforce the sale agreement, in the absence of specific pleading and proof of continuous readiness and willingness on the part of the plaintiff to perform his obligations under the alleged agreement of sale, as mandatorily required under Section 16 (c) of the Specific Relief Act, 1963 ?

3. Issue notice to the respondent returnable by 10.03.2026. Private notice



is also permitted. Post the matter on 10.03.2026, till then, the judgment and decree passed by the by the XVI Additional Judge, City Civil Court, Chennai, in AS NO. 209 of 2024 is ordered to be stayed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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