

CMP(MD) No.3915
in CMA(MD)No.406 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-03-2026

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**CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR**

CMA(MD) No.406 of 2026
and
CMP(MD) No.3915 of 2026

1.K.Mohan

2.V.Uma

3.M.Gowtham

: Petitioners

Vs

1.A.Vasanthi

2.V.Ashalatha

3.A.Gurusamy

4.M.Jayaraman

5.G.Vijayalakshmi

6.P.Savithri

: Respondents

For Petitioners : Mr.K.Muthu Ganesa Pandian,

For Respondents : Mr.T.C.S.Thillainayagam, for R1.

Prayer in CMA(MD)No.406 of 2026 : Civil Miscellaneous Appeal filed under Order 43 Rule 1 (r) of C.P.C., to call for the records relating to the impugned ex-order of interim injunction in I.A.No.18 of 2022 in O.S.No.33 of 2022 on the file of the I Additional District Judge, Madurai, in so far as restraining the appellants herein from encumbering and alienating the suit items 3, 4 , 7 and suit items 1, 6, 6 and 9 are concerned, for want of territorial jurisdiction, set aside the same.



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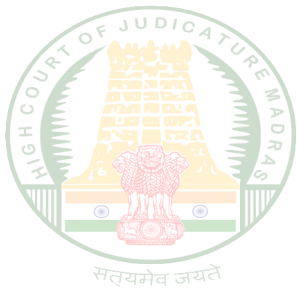
Prayer in CMP(MD)No.3915 of 2026 :This Civil Miscellaneous Petition filed under Section 151 C.P.C., to suspend the order and ex-order of interim injunction in I.A.No.18 of 2022 in O.S.No.33 of 2022 on the file of the I Additional District Judge, Madurai in so far as restraining the petitioners herein from encumbering and alienating the suit items 3, 4 , 7 and suit items 1, 5, 6 and 9 are concerned which is the subject matter of O.S.No.33 of 2022 on the file of the I Additional District Judge, Madurai, for want of territorial jurisdiction of trial Court, pending disposal of the appeal.

ORDER

The Civil Miscellaneous Appeal is directed against the order and ex-order of interim injunction in I.A.No.18 of 2022 in O.S.No.33 of 2022, dated 22.08.2025, on the file of the I Additional District Judge, Madurai, granting injunction.

2.The first respondent filed a suit for partition in respect of suit items 1 to 9 and also filed an application under Order 39 Rules 1 and 2 r/w 151 of C.P.C, claiming temporary injunction in respect of the said properties.

3.The appellants/defendants 1, 2 and 4 would submit that they have filed a written statement admitting the case of the plaintiffs with regard to the 1st and 5th schedules and stated no objection for granting partition in respect of those properties, but raised a defence with regard to the remaining properties that they are the separate properties of the defendants.



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4.He would further submit that in the injunction application, the learned I Additional District Judge, without considering the pleadings of both the parties and arguments, passed a blanket order, injunctioning both the parties not to make any alienation without any permission of this Court.

5.Mr.T.C.S.Thillainayagam, learned counsel takes notice for the first respondent.

6.Heard the learned counsel appearing for the appellants as well as the learned counsel appearing for the first respondent and also perused the records.

7. Issue notice to the respondents 2 to 6 returnable by 10.04.2026. Private notice is also permitted.

8.Post the matter on 10.04.2026.

9.There shall be an order of interim stay till then.

das

27.03.2026

To

I Additional District Judge, Madurai.