

S.A(MD) No.657 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 23.01.2026

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

S.A(MD)No.657 of 2025

1.Sevaniyammal

2.P.Karuppuchamy

3.P.Dhandapani

4.P.Arumugam

: Appellants

Vs.

K.Subramanian

: Respondent

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the judgment and decree made in A.S.No.45 of 2019 on the file of the Principal Sub Court, Palani, dated 28.10.2021, confirming the judgment and decree, dated 25.02.2019 made in O.S.No.171 of 2011 on the file of the District Munsif Court, Palani.

For Appellants : Mr.K.R.Manimaran,

For Respondent : Mr.M.P.Senthil.



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ORDER

The Second Appeal is admitted on the following substantial question of law :

1) Whether the courts below are correct granting consequential relief of injunction without cause of action when the decree of declaration is refused?

2) Whether the courts below are correct in appreciating the provisions contemplated under Section 13 of Indian Easement Act 1882 when there is no necessity of easement to the plaintiff since he has alternative pathway on the northern and eastern side of his property?

3) Whether the courts below have correct in appreciating the Section 15 of Indian Easement Act 1882 when the plaintiff has not proved his possession after Ex. B3?

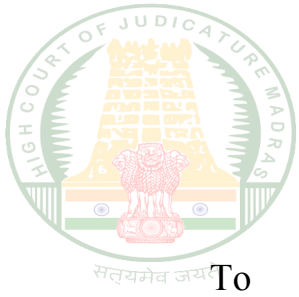
2. Mr.M.P.Senthil, learned counsel takes notice for the respondent.

3.Registry is directed to call for the records.

23.01.2026

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- 1.The Principal Sub Court, Palani.
- 2.The District Munsif Court, Palani.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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Dated: 23.01.2026