

IN THE COURT OF ADDITIONAL SUB COURT, SRIVILLIPUTTUR

Present : Thiru.R.Rathinavel Pandian, M.A.,B.L.,
Additional Subordinate Judge, Srivilliputtur.

Dated Thursday, the 02nd day of July 2026

I.A.No.3/26 In O.S.No.80/2026

Selvakumar

- Petitioner/Plaintiff

/Vs/

Subramanian

- 1st respondent/1st defendant

This petition is coming on before me for final hearing on 22.06.2026 in the presence of Advocate Thiru.C.Pandikani for the Petitioner and Advocate Thiru.R.Narayanan for the respondent side. On hearing the argument of Both side counsel and upon perusing the case records and having stood over for consideration till this day, this court hereby delivered the following.

ORDER

1) This is the petition filed by the petitioner/plaintiff under Order XXXIX and Rule 1 CPC to grant an interim order of injunction restraining the respondent/1st defendant from alienating or encumbering the plaint schedule properties based upon the release deed dated 20-08-2025 till the disposal of the main suit.

2)The brief averments made in the affidavit filed by the petitioner in support of the petition as follows,

i) According to the petitioner that, the property in S.No.255/7A of Padikkasuvaithan patti having a total extent of 0.21.50 Hectares (53 cents) originally belonged to one Subbiah S/O.Irulappan as per patta No.327. In the above circumstances the said Subbiah died on 11-10-2019 leaving behind the defendants 1 to 5 as his legal heirs. Therefore the defendants 1 to 5 had inherited each 1/5 share in the said property in S.No.255/7A. Further the defendants 2 and 5 had executed a sale deed dated 10-02-2025 in respect of their undivided 2/5 share in favour of the plaintiff/petitioner. Apart from that, the defendants 3 and 4 had executed a sale deed dated 11-07-2025 in respect of their undivided 2/5 share in favour of

the petitioner/plaintiff. Therefore the petitioner had purchased 4/5 shares in S.No.255/7A and the remaining 1/5 share is belonged to the respondent/1st defendant herein. However the defendants 2 to 5 had executed a release deed dated 20-08-2025 in favour of the respondent/1st defendant in respect of 20 cents in S.No.255/7A. The total area of S.No.255/7A is having an extent of 21.5 Ares which is equal to 53 cents. Therefore the petitioner had purchased 4/5 shares which is equal to 42 cents in S.No.255/7A. Hence the remaining 1/5 share which is belonged to the respondent comes for only 10 cents. However the respondent had obtained the said release deed dated 20-08-2025 from the defendants 2 to 5 as though remaining 20 cents of land available in S.No.255/7A. In this connection the respondent had obtained patta in respect of 20 cents in S.No.255/7A based upon the said release deed executed by the defendants 2 to 5.

ii) Further it is contended that, the petitioner had purchased 8/9 shares in a Well situated in S.No.255/2A through the sale deeds in doc.No.2265/2022 and 2266/2022 dated 04-04-2022 and the remaining 1/9 share in the said well belonged to said Subbiah. As stated supra the petitioner had purchased the 4/5 shares from the legal heirs of deceased Subbiah. Hence the respondent/1st defendant is entitled to get only 1/5 share out of 1/9 share in the said Well. Therefore the release deed dated 20-08-2025 executed by the defendants 2 to 5 in respect of their alleged share in the said Well in favour of the 1st defendant/respondent is not valid. Now the respondent is attempting to alienating the suit schedule property based upon the release deed dated 20-08-2025 as well as the patta issued to him. Hence the present petition is filed for an order of interim injunction as against the respondent.

3)The brief averments made in the counter filed by the respondent as follows,

According to the respondent that, the father of the respondent namely Subbiah was holding 60 cents in suit survey number as per FMB sketch and therefore the contention of the petitioner that, the said Subbiah was holding only 53 cents in the suit survey number is not correct one. The petitioner had purchased only 40 cents from the defendants 2 to 5 in the suit. Therefore the 1st defendant is entitled to 12 cents and the defendants 2 to 5 had retained each 2 cents in the suit survey number property. Therefore the defendants 2 to 5 had

executed the release deed dated 20-08-2025 in respect of remaining 20 cents in the suit survey number property in favour of the respondent. In view of the said release deed the respondent was issued with separate patta and got subdivision in S.No.255/7A1 in respect of 20 cents of land. Hence the present petition is liable to be dismissed.

4) The petitioner side no oral evidence adduced and however Ex-P-1 to Ex-P-14 documents are marked. The respondent side no oral evidence adduced and however Ex-R-1 and Ex-R-2 documents marked.

5) Now the point for consideration would be whether the petitioner is entitled to get an order interim injunction as prayed for?

6) Answer to the point as follows,

i) Heard. Records perused. According to the petitioner that, the suit survey number property in S.No.255/7A of Padikasuvaithanpatti having an extent of 0.21.5 Hectares (53 cents) originally belonged to one Subbiah s/o. Irulappan as per patta No.327. It is not in dispute that, the said Subbiah died intestate leaving behind the defendants 1 to 5 as his legal heirs. Therefore the defendants 1 to 5 were each entitled to 1/5 share in the suit survey number property.

ii) In the above circumstance the petitioner claimed that, he had purchased undivided 4/5 shares in S.No.255/7A from the defendants 2 to 5 through the sale deeds dated 10-02-2025 and 11-07-2025 under Ex-P-1 and Ex-P-2 respectively. Therefore it is contended by the petitioner that, the suit survey number has the total extent of 21.5 Ares which is equal to 53 cents and hence the petitioner is entitled to 4/5 shares which is about 42 cents in the suit survey number property. Therefore the remaining 1/5 share namely 10 cents alone belonged to the 1st defendant/respondent. In this connection the petitioner has filed the joint patta in the name of the petitioner and Subbiah in patta No.327 in respect of S.No.255/7A for the total extent of 21.5 Ares under Ex-P-14.

iii) Now it is the case of the petitioner that, the defendants 2 to 5 had executed a release deed dated 20-08-2025 under Ex-P-3 in favour of the respondent/1st defendant in respect of 20 cents in S.No.255/7A. According to the petitioner that the defendants 2 to 5 had executed sale deeds in favour of the petitioner in respect of their undivided 4/5 shares and hence they cannot execute the release deed dated 20-08-2025 under Ex-P-3 in favour of the respondent. Further it is contended that, the respondent has obtained patta proceedings dated 10-03-2026 under Ex-P-6 and got patta in respect of 8.10 Ares which is equal to 20 cents in Suit survey number property. However the petitioner was issued with patta under Ex-P-8 patta proceeding order in respect of 13.40 Ares which is equal to 33.11 cents alone. Therefore it is contended that, the petitioner has made out a prima facie case to grant an order of interim injunction.

iv)The main contention of the respondent that his father namely Subbiah was holding 60 cents in suit survey number as per FMB sketch. Admittedly the FMB sketch as filed by the respondent under Ex-R-1 do not show the entire extent as 60 cents as claimed by the respondent. However the said FMB sketch under Ex-B-1 shows the area of 20 cents as claimed by the respondent in the suit survey number property. The contention of the respondent that, the petitioner had purchased only 40 cents from the defendants 2 to 5 goes against the sale deeds under Ex-P-1 and Ex-P-2. The sale deeds under Ex-P-1 and Ex-P-2 refer about undivided 4/5 shares in the suit survey number property.

v)It is not in dispute that, the petitioner had purchased undivided 4/5 shares from the defendants 2 to 5 in the suit survey number property through the sale deeds dated 10-02-2025 and 11-07-2025 under Ex-P-1 and Ex-P-2. It is seen from the revenue records such as joint patta under Ex-P-14 that the total extent of S.No.255/7A stated as having an extent of 21.5 Ares which is equal to 53 cents. However the patta transfer proceedings dated 10-03-2026 under Ex-P-8 would go to show that, the respondent was issued with patta for 8.10 Ares which is equal to 20 cents and however the petitioner was issued with patta only in respect of 13.40 Ares which is equal to 33.11 cents. As stated supra the extent of 33 cents out of 53 cents is not equal to 4/5 shares in the suit survey number property. However there is no records available to show that, an extent of 60 cents of land is

available in S.No.255/7A. Therefore when the revenue records shows that the total extent of S.No.255/7A is having only 21.5 Ares and then the patta proceedings under Ex-P-8 granting patta to the petitioner only for an extent of 13.40 Ares (33 cents) which would have a serious consequence over the rights of the petitioner over the suit survey number property. Admittedly the respondent is not disputing the sale deed obtained by the petitioner from the defendants 2 to 5 in the suit. Hence the petitioner has made out a prima facie case and the balance of convenience is in favour of the petitioner. Therefore the petitioner is entitled to get an order of interim injunction as sought for in the present petition.

7) In the result the petition is allowed as follows,

i) The petitioner is entitled to get an order of interim injunction restraining the respondent/1st defendant from alienating or encumbering the plaint schedule properties based upon the release deed dated 20-08-2025 till the disposal of the main suit.

ii) However, the observation if any made in the present petition will not have any bearing on the merits of final hearing of the suit.

iii) However there is no order as to cost.

Dictated to steno typist, and typed her directly in the computer corrected and pronounced by me on this the **02nd day of July 2026.**

Additional Subordinate Judge,
Srivilliputtur.

Petitioners side witness Nil

Petitioners side documents

Ex.P.1	10.02.2025	Sale deed	- Xerox
Ex.P.2	11.07.2025	Sale deed	- Xerox
Ex.P.3	20.08.2025	Partition deed	- Xerox
Ex.P.4		Patta	- Downloaded copy
Ex.P.5		Patta	- Downloaded copy

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Ex.P.6	04.04.2022	Sale deed - Xerox
Ex.P.7	04.04.2022	Sale deed - Xerox
Ex.P.8		Patta transfer order - Downloaded copy
Ex.P.9		Patta (No.327) - Downloaded copy
Ex.P.10	30.09.2025	Notice issued by 6th defendant - Xerox
Ex.P.11	26.08.2025	Letter from Plaintiff to Thasildar, Srvilliputhur
Ex.P.12	03.10.2025	Reply from 6th defendant to Plaintiff
Ex.P.13	26.05.2026	Complaint and receipt from Plaintiff to Revenue divisional officer, sivakasi.
Ex.P.14		Patta (No.327) - Downloaded copy

Respondent side witness : Nil

Respondent side documents

Ex.R.1	FMB Sketch
Ex.R.2	Patta transfer order - Downloaded copy

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Fair Order
Date –02.07.2026

Additional Sub Court, Srivilliputtur.

