

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, POLLACHI.**PRESENT: Thiru. M.S.Sreenath B.A., B.L.,(Hons) L.L.M.,
Additional District Munsif, Pollachi****Wednesday 11th day of March 2026****IA. No.4/2025****in****O.S. No.30/2025**

Balachandran

.... Petitioner/ Plaintiff

-Vs-

Jagadish

.... Respondent/Defendant

This Petition came up for final hearing before me in the presence of Thiru K.Sethupathi, learned Counsel for the Petitioner and in the presence of the Thiru K.P.Shanmugam, as learned counsel for the respondent. Upon hearing the arguments of the both sides and upon perusing the materials on record and having stood over for consideration till this day, this court passes the following:

ORDER

This petition is filed under Order 39 Rule 1 and 2A of CPC seeking civil arrest of the respondent and also directing to pay compensation.

2. GIST OF THE PETITION

The petitioner is the plaintiff of the suit for permanent injunction. Interim injunction was granted in favour of the petitioner against the respondent in I.A.3/2025 by Order dated 30.06.2025. In such circumstance, when petitioner's son Ashwath went in the petition cart track to the farm of the petitioner on 29.07.2025, the respondent obstructed him and injured him. The accident register for the treatment of the said injury at Vettaikaranpudhur at Government Hospital is produced.

The CSR for the said incident is also produced. CD showing the abusive words used by the respondent against the petitioner's son and his action disregarding the court order is produced. This act of the respondent is contempt of court. Hence necessary action may be taken for civil arrest of the respondent and also directing him to pay compensation to petitioner's son for his mental agony and loss. The petitioner prays the petition may be allowed.

3. GIST OF COUNTER

(3.1) The petition is false frivolous, vexatious and not maintainable in law and on the facts of the case. This respondent does not admit any of the allegations contained in the affidavit, except to the extent specifically admitted herein and the rest are put to strict proof. It is submitted that, this respondent kindly crave leave of this Hon'ble court to treat the written statement filed by this respondent in the above original suit, as a part and parcel of this counter statement at the time of disposal of this application.

(3.2) It is further submitted that, at the outset, from the averments in the affidavit, it can be clearly concluded that, this petition itself is not maintainable in law. Nowhere in the affidavit has it been stated that, this respondent has prevented the petitioner from enjoying the suit cart track. The affidavit totally reads that, as if this respondent has prevented the son of the petitioner from enjoying the suit cart track and have beaten him and because of which, the son of the petitioner was injured and admitted in hospital and a police complaint has been lodged against this respondent. It is all far from truth. The petitioner only to harass this respondent has come forward with this petition with false particulars.

(3.3) It is further submitted that, as stated earlier, this respondent has not committed any act as stated in the affidavit. Moreover, the son of the petitioner is not

a party to this suit. The son of the petitioner cannot seek protection based on the injunction order obtained by this petitioner. The suit filed by the petitioner is a suit in personam and the interim injunction order obtained by the petitioner is a personal order granted to the petitioner. Based on this order, other than the petitioner, no others can claim protection based on it.

(3.4) It is further submitted that, this respondent has not committed any disobedience of the injunction order and has also not committed any breach of injunction order. On the other hand, only this petitioner is misusing the injunction order and causing damage to this respondent's property. Actually, on 29.07.2025 only this petitioner's son and one Padmavathy misusing the injunction order made attempts to cause damage to the respondent's property and when the respondent made attempts to prevent their illegal acts, they have attacked the respondent and because of which the respondent was injured and was hospitalized. In this regard, this respondent also has lodged police complaint on 30.07.2025 against this petitioner's son Aswath and the above said Padmavathy on the file of Anaimalai Police Station, Anaimalai. The police officials have issued a receipt for the complaint given by this respondent. The receipt number is 436/2025. Only to escape from the offence committed by them, they have also lodged a false police complaint against this respondent.

(3.5) It is further submitted that, even before this incident, the petitioner's son have caused damaged to the respondent's property and for which also, this respondent has lodged a police complaint on 07.02.2025 on the file of Anaiamalai Police Station, Anaimalai. The police officials have also issued a receipt for the complaint given by this respondent the receipt number is 79/2025. It is further submitted that, even in fair and final order passed in the interim injunction petition in LA.No.3/2025, the Hon'ble court has clearly discussed that, regarding the lie of the actual cart track, regarding the width of the cart track and regarding the right of the petitioner in the cart track to

take vehicles in the cart track and regarding very many facts stated by this respondent in the counter statement and written statement, can be decided only after full-fledged trial in the main suit. The petitioner is fully aware that, if full-fledged trial is conducted, it will be clearly exposed that, the claim of the petitioner will fail. Only because of it, the petitioner with a motive to make the respondent to bind to his unjust demands as claimed in the suit, have come forward with this petition in a threatening manner. The respondent has not committed any act amounting to contempt of court. The claim of the petitioner is not maintainable and is not valid in law. There is no merit in the petition.

4. DISCUSSION

(4.1) Heard both sides. Records perused. Rival submissions considered. On perusal of records, it is seen that this court has granted interim injunction restraining the respondent from disturbing the petitioner's usage of petition cart track till the disposal of the suit in I.A.3/2025 by Order dated 30.06.2025. The case of the petitioner is that the respondent obstructed the petitioner's son and injured him while he was using the petition cart track. The petitioner has produced accident register Ex.P1 and CSR Ex.P2 to prove the incident. CDs Ex.P3 and Ex.P4 are also marked by the petitioner.

(4.2) On the other hand, the respondent had taken a defence that the interim injunction is only an order in personam and hence no one other than the petitioner can claim protection based on it. The respondent also submitted that petitioner's son not being a party to the suit, cannot utilize the petition cart track. The respondent also submitted that the petitioner's son and one Padmavathy misused the injunction order and made attempts to loss damaged the respondent property and when the respondent made attempts to prevent their illegal acts, they have attacked the respondent and

because of which the respondent was injured and was hospitalized. The respondent filed CSR Ex.R2 to support his version of the incident.

(4.3) Firstly, this court would like to decide upon whether the petitioner's son is entitled to utilize the cart track based on the interim injunction granted by this court in favour of the petitioner. The respondent has claimed that the interim injunction order is in personam and cannot be utilized by the son. The settled law that if any person including son has claimed his possession through the petitioner or is living with the petitioner, the said person can also claim protection under the interim injunction. If that person is claiming a possession independent from that of the petitioner, then he cannot claim protection under the interim injunction. If a view that the interim injunction is an order in personam is taken in the strict sense, it would very well defeat the object of the injunction and would lead to multiplicity of proceedings as any person residing with the petitioner would have to file a separate suit for injunction. Hence the possession of the plaintiff protected by the injunction also covers the usage of such possession by others who claim under the plaintiff until they are within their legal limits. In the present case, the petitioner's son has not claimed any right against that of the petitioner and has averred that he had used the same only to reach the petitioner's farm. Hence this court is of the considered view that any legal usage of the petition cart track by anyone claiming under the petitioner is protected by the injunction order granted by this court.

(4.4) Secondly, this court would like to decide whether there is breach of injunction. The burden of proof lies entirely on the petitioner who alleges breach. The petitioner must prove the existence of the valid injunction order, knowledge of the order by the respondent and willful disobedience of that order. Since the order in I.A.3/2025 is a contested order, the existence of the said order and the knowledge of

the order by the respondent automatically stands proved. Hence it is for the petitioner to prove only willful disobedience of that order.

(4.5) It is trite law that the proceedings under Order 39 Rule 2A are quasi criminal in nature. Hence the evidence must be clear convincing and specific. In the present petition, both sides have not adduced any oral evidence. Though the petitioner has filed CDs Ex.P3 and Ex.P4, no certificate as mandated under Section 63 Bharatiya Sakshya Adhiniyam has been produced and hence the said electronic evidences cannot be relied upon. Therefore, in the present petition, the only evidences before this court are accident register Ex.P1 and CSR Ex.P2 on the side of the petitioner and CSR Ex.R1 and Ex.R2 on the side of the respondent. The CSR cannot be taken as a proof of the incident but rather as an initiation of proceedings alleging the incident. Similarly, the accident register cannot be used to prove caused injury. The materials only show that both parties lodged complaints and sustained injuries but it does not conclusively establish the willful breach. Hence there is allegation of violence on either side and it creates doubt over willful breach by the respondent. Hence the materials on records does not conclusively show willful breach by the respondent and the benefit of doubt must go to the respondent as the petitioner has failed in discharging his burden of proving the breach. Hence, in cumulative effect of the aforesaid discussion, this court is not inclined to allow this petition.

IN THE RESULT, this petition is DISMISSED. The parties shall bear their own costs.

Dictated by me, typed by steno typist on my computer and corrected by me and pronounced by me in open court on this 11th day of March, 2026.

ADDITIONAL DISTRICT MUNSIF
POLLACHI

Petitioner side witnesses - NIL**Petitioner side documents:**

Doc No.	Date	Name of the Documents	Nature of document
Ex.P1	29.07.2025	Accident Register	Copy
Ex.P2	01.08.2025	Complaint Receipt	Online copy
Ex.P3	-	CD	
Ex.P4	-	CD	

Respondent's side witnesses: Nil**Respondent's side documents:**

Doc No.	Date	Name of the Documents	Nature of document
Ex.R1	07.02.2025	Complaint Receipt	Online copy
Ex.R2	30.07.2025	Complaint Receipt	Online copy

ADDITIONAL DISTRICT MUNSIF
POLLACHI

Fair/Draft Order

IA.No.4/2025 in O.S.No.30/2025
Additional District Munsif, Pollachi
