

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ANNUR.**

In the presence of - V.Monika., B.A.,B.L., L.L.M.
District Munsif cum Judicial Magistrate, Annur.

On this Monday, the 28th day of July, 2025.

**I.A. No. 5/2023
in
O.S. No. 386/2023
(C.N.R. No. TNCB210020262023)**

Previous case details of the case:-

THE COURT OF THE IV ADDITIONAL DISTRICT MUNSIF, COIMBATORE.
I.A. No. 3/2021
in
O.S. No. 22/2021

- 1) Selambathal,
- 2) S. Vijayakumar,
- 3) S. Sundarasamy,
- 4) S. Nagendran,
- 5) S. Palanisamy.

... Petitioners / Plaintiffs

Versus

- 1) R. Madhavan,
- 2) Anitha Baida,
- 3) Ramakanth Baida,
- 4) The Sub Registrar, Periyanaickenpalayam, Coimbatore,
- 5) The Sub Registrar, Vallam, Villupuram.

... Respondents/Defendants

This petition was filed before the previous court and later transferred to this court due to its constitution and the change in territorial jurisdiction for final hearing in the presence of learned Advocate Thiru. V.Senthilkumar, appeared for the Petitioners/Plaintiffs and learned Government Pleader Mr.Naveen Prabhu, appeared for the 4th respondent/4th defendant, the respondents/defendants no. 2,3,5 were set exparte and remained exparte, the petition was dismissed against the 1st Respondent/Plaintiff. Upon hearing the petitioners

side counsel arguments and upon perusal of the available material records, this court delivers the following:

ORDER

The petition was filed under Order 39 Rule 1 and 2 of the Civil Procedure Code (hereinafter referred to as CPC, for sake of brevity) to pass an interim injunction against the respondents to not to enter into the petition mentioned property till the disposal of the main suit.

2. Petition Averments in brief:

The petitioners are the plaintiffs of the suit and the petitioners 4 to 5 are the sons of the 1st petitioner. The 2nd and 3rd respondents are the husband and wife. The suit property belonged to Somasundaram the husband of 1st petitioner vide sale deed in document number 2672/1979, since then it is in the possession of the petitioners family. On 15.10.2015, Somasundaram died intestate and so the petitioners are entitled to the property by succession. The petitioners requested the 1st respondent, their family friend, for Rs.18,00,000/- (Rupees Eighteen Lakhs only) and so as per the 1st respondent's instruction to provide loan based on the property document, the petitioners accepted for mortgage of the suit property. The petitioners are illiterate. The petitioners on 05.11.2015, in the office of the 4th respondent, executed a mortgage deed in documents number 14418/2015. The parent deeds to the document was obtained by the 1st respondent by claiming that the 4th respondent would need those for verification. Even after 10 days from execution of the deed, no amount given to the petitioners by the 1st respondent. And so the petitioners obtained a copy of document number 14418/2015 and from which the petitioners came to

know that it was a sale deed executed for the value of Rs.17,60,000/- (Rupees Seventeen Lakhs Sixty Thousand only) in favor of the 1st respondent and they also came to know that they were deceived by the 1st respondent. Again the 1st respondent failed to conduct as per his promise that he would return the property to the petitioners on his own expense but he executed a sale agreement for the value of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) in favor of one Prakash in document number 16879/2015 on 29.12.2015. Later that agreement was cancelled on 17.06.2016 vide documents number 8611/2016 and on the same day the 1st respondent executed a sale agreement to one Sundarraaj for the value of Rs.50,00,000/- (Rupees Fifty Lakhs only) vide document number 8612/2016. That too cancelled on 10.04.2017 and again the 1st respondent executed a power of attorney in favor of 2nd respondent on the same day in document number 3598/2017 in the office of the 4th respondent. A sale agreement was executed on the same day by the 2nd respondent in favor of the 3rd respondent. Again the 1st respondent executed a sale agreement with Sundarraaj, on 05.07.2018, who instituted a suit against the 1st respondent before the IV Additional District Court, Coimbatore in O.S. No. 14/2018 with intent to deceive the petitioners and to avoid returning the petition properties to the petitioners. In the meantime, the 2nd petitioner executed a deed in document number 1100/2020 in favor of the 3rd respondent in the office of the 5th respondent. There was no complete address of the person, who prepared that document was mentioned in it. The knowledge about all those transactions were had to the petitioners only on 13.09.2020 when they applied for the encumbrance certificate. Since then the petitioners could not able to contact the respondent no.1 and so they had given legal notice to the respondents 1 to 3. The legal notice sent to 1st respondent was returned and the notice to the 2nd and 3rd respondents were served. A reply notice was sent by the 2nd and 3rd respondents and to which the petitioners sent a reply notice and for which there is no

reply sent by them. All the above transactions were made with intent to deceive the petitioners by the respondents 1 to 3. The action taken by the petitioners before the Kovilpalayam Police station, Superintendent of Police, District Crime Branch were not ended in fruitful result as they stated that the matter is of civil nature and only it can be decided by the court. Hence the suit was filed, as on 12.12.2020, some of the henchmen claiming that they were sent by the respondents 1 to 3, attempted to trespass into the lands. So this petition for the relief of interim injunction to not to disturb the possession of the petition property by the respondents.

3. The petition was dismissed against the 1st respondent. The respondents 2, 3, 5 were set *ex parte* as they failed to appear before the court after the receipt of summons. The fourth respondent filed no objection memo for the petition.

4. There was no documents exhibited and no witness examined by either parties to the proceedings.

5. Points for Determination

Whether this petition under Order 39 Rule 1 and 2 of CPC should be allowed?

Discussion and Decision :

6. The petitioners counsel arguments heard and the case records were perused. Despite the petition was filed before four years, so far apart from the 4th respondent, the other respondents 2, 3, 5 were failed to appear before the court to put forth their contentions regarding the plea of the petitioners. The petitioners claimed that the 2nd respondent, for whose

favor the power of attorney was executed by the 1st respondent in the office of the 4th respondent, with intention to deceive the petitioner's right over the property, the 2nd respondent had chosen to execute a sale deed in favour of the 3rd respondent, who is the husband of the 2nd respondent, in the office of the 5th respondent office in Vilupuram despite their registered addresses in Tiruppur. Both of them failed to appear before this court to admit or deny the relationship or other contentions of the petition. The petitioners claimed that still the respondents 2, 3 are attempting to remove the petitioners from the possession of the suit scheduled property.

7. There is no contra evidence to the plea of the possession of the petition mentioned property by the petitioners. In such case, when the suit was filed in the year 2022 and for about four years the respondents 2 and 3 never seem to take over the possession of the properties. The petitioners had challenged the validity of deed said to be executed by the petitioners to the 1st respondents and all the deeds executed among the respondents 1 to 3. In such circumstances only the petitioners claimed that they are still in the possession of the properties and the respondents henchmen are disturbing their possession. When the petitioners are challenging the validity of the deeds providing the rights to the respondents 2, 3 and claiming that even after execution of those documents they are still in the possession of the suit property and no contra evidence provided by the respondents, this court considers that the petitioners had shown their prima facie case and the balance of convenience are found in their favor. The petitioners also proved that if they are removed from the possession before deciding the case, they would be put into irreparable loss or injury, which cannot be compensated by the money. Hence, considering that all those three ingredients necessary are found in favor of the petitioners, this court hereby finds that the petitioners shall be provided

a legal immunity to protect themselves from dispossess from the suit property before deciding the case. This petition is allowed against the respondents 2, 3 and both of them and no person claiming under them should not interfere with the possession of the petitioners till the disposal of the case.

In the result, the petition is allowed against the respondents 2 to 5 and dismissed against the 1st respondent, without cost.

Directly typed by me in the official desktop, corrected and pronounced by me in the open court on this the 28th day of July, 2025.

Sd/-V.Monika
District Munsif cum Judicial Magistrate,
Annur.

Petitioners side Witnesses and Exhibits	- NIL
Respondents side Witnesses and Exhibits	- NIL

Sd/-V.Monika
District Munsif cum Judicial Magistrate,
Annur.

Fair Order in :
I.A.5/2023 in
O.S.386/2023.
Dated : 28.07.2025.
DM cum JM, Annur.

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ANNUR.**

In the presence of - V.Monika., B.A.,B.L., L.L.M.
District Munsif cum Judicial Magistrate, Annur.

On this Monday, the 28th day of July, 2025.

I.A. No. 5/2023

in

O.S. No. 386/2023

(C.N.R. No. TNCB210020262023)

Previous case details of the case:-

THE COURT OF THE IV ADDITIONAL DISTRICT MUNSIF, COIMBATORE.

I.A. No. 3/2021

in

O.S. No. 22/2021

1) Selambathal (70), W/o.Late. Somasundaram,
D.No.60A/249, North Street, Kottaipalayam, Vaiyampalayam (Via),
Kondaiyampalayam Village, Coimbatore – 641 110.

2) S. Vijayakumar (48), S/o.Late. Somasundaram,
North Street, Kottaipalayam, Vaiyampalayam (Via),
Kondaiyampalayam Village, Coimbatore – 641 110.

3) S. Sundarasamy (47), S/o.Late. Somasundaram,
D.No.249, North Street, Kottaipalayam, Vaiyampalayam (Via),
Kondaiyampalayam Village, Coimbatore – 641 110.

4) S. Nagendran (45), S/o.Late. Somasundaram,
North Street, Kottaipalayam, Vaiyampalayam (Via),
Kondaiyampalayam Village, Coimbatore – 641 110.

5) S. Palanisamy (43), S/o.Late. Somasundaram,
North Street, Kottaipalayam, Vaiyampalayam (Via),
Kondaiyampalayam Village, Coimbatore – 641 110.
Plaintiffs

... Petitioners /

/Versus/

6) R. Madhavan (48) S/o. K.Ramakrishnan,
D.No.17, Press Colony, Veerapandi, Coimbatore – 641 019.

7) Anitha Baida (53), S/o. Ramkanth Paaida,
D.No.36, 4th street, K.P.N. Colony, Tirupur – 641 601.

- 8) Ramakanth Baida (56), S/o. Narayanasamy Paaida,
D.No.36, 4th street, K.P.N. Colony, Tirupur – 641 601.
- 9) The Sub Registrar, Periyanaickenpalayam, Coimbatore.
- 10) The Sub Registrar, Vallam, Villupuram. ... Respondents/Defendants

The petition was filed under Order 39 Rule 1 and 2 of the Civil Procedure Code (hereinafter referred to as CPC, for sake of brevity) to pass an interim injunction against the respondents to not to enter into the petition mentioned property till the disposal of the main suit.

Date of petition : 22.12.2020.

This petition was filed before the previous court and later transferred to this court due to its constitution and the change in territorial jurisdiction for final hearing in the presence of learned Advocate Thiru.V.Senthilkumar, appeared for the Petitioners/Plaintiffs and learned Government Pleader Mr.Naveen Prabhu, appeared for the 4th respondent/4th defendant, the respondents/defendants no. 2,3,5 were set exparte and remained exparte, the petition was dismissed against the 1st Respondent/Plaintiff. Upon hearing the petitioners side counsel arguments and upon perusal of the available material records and this court doth order and final order as follows:

In the result, the petition is allowed against the respondents 2 to 5 and dismissed against the 1st respondent, without cost.

Memo of Cost

- Both side cost list not filed -

Schedule of Property

கோயம்புத்தூர் ரிடி பெரியநாயக்கன்பாளையம் சப்ரிடி முன்பு
கோயம்புத்தூர் வடக்கு தாலுக்கா, தற்சமயம் அன்னூர் தாலுக்கா
கொண்டயம்பாளையம் கிராமம் க.ச.328 நெ.காலை பு.ஏ.3.67க்கு தரம்
ரூ.4.11. இதில் மேற்படி எஸ்.சோமசுந்தரம் அவர்களுக்கு 2672/1979
நெ.கிரைய ஆவணப்படி பாத்தியப்பட்டது பு.ஏ.1.83 1/2 இதில் தற்கால
சப்டிவிஷன்படி பட்டா எண்.996, க.ச.328/2A நெ.காலை பு.ஹெக்.0.35.50
பு.ஏ.0.88க்கு தரம் ரூ.0.98 விஸ்தீரணமுள்ள விவசாய பூமிக்கு செக்குபந்தி
விபரம்

கிழமேல் ரோட்டிற்கும் - வடக்கு

க.ச.328/1A, 328/1B, நெ.காலைகளுக்கும் - தெற்கு

தென்வடல் ரோட்டிற்கும் - கிழக்கு

க.ச.328/2B நெ.காலைக்கும் - மேற்கு

இதன் மத்தியில் பு.ஹெக் 0.35.0 பு.ஏ. 0.88 க்கு தரம் ரூ.0.98
விஸ்தீரணமுள்ள விவசாய பூமியும், மேற்படி பூமிக்குண்டான மாமூல் வழித்

தட பாத்தியங்களும், பொது பாத்தியங்களும் சகிதம். மேற்படி சொத்து
கொண்டயம்பாளையம் கிராம எல்லைக்குட்பட்டது.

Given under my hand and the seal of this court, this the 28th day of July 2025.

sd/-V.Monika
District Munsif cum Judicial Magistrate,
Annur.

Final Order in :
I.A.5/2023 in
O.S.386/2023.
Dated : 28.07.2025.
DM cum JM, Annur.