

**IN THE COURT OF I ADDITIONAL DISTRICT & SESSIONS JUDGE,
CUDDALORE.**

Present : **Tmt.G.Saraswathi, M.L,**
I Additional District & Sessions Judge,
Cuddalore.

Monday, the 13th day of July 2026

I.A.No.11 of 2026 in O.S. No.40 of 2017

(CNR No. TNCD01 – 000287 – 2017)

1. D.Sekar
2. D.Murugan
3. N.J.Shanthi

... Petitioners / Defendants 1, 2 & 3

-Vs-

Mohan

... Respondent / 1st Plaintiff

This petition filed on 10.06.2026 came before me for final hearing on 06.07.2026. The Learned Counsels M/s.G.Udaiyakumar, V.Sampathkumar, S.P.Kathirvelan and J.I.Pradeep Vedanayagam, appeared for the Petitioner / Defendants 1, 2 & 3. The Learned Counsels Mr.R.Lakshminarayanan and Mrs.Divya, appeared for the Respondent / 1st Plaintiff. Upon hearing both sides and upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:

ORDER

This petition is filed under Order XXXIX Rules 1 and 2 read with Section 151 CPC by the petitioners/defendants, seeking an order of ad-interim injunction restraining the respondent from alienating or encumbering the petition mentioned properties in any manner, and for such further orders as this Court may deem fit.

2. The brief averments of the petition :

The petitioners are the defendants and the respondent is the 1st plaintiff in the suit for partition. The petitioners contend that certain properties, allegedly purchased by late Dhandapani Chettiar out of joint family income in the name of his wife, late Punitham Ammal, have been omitted from the plaint and shown as A-Schedule properties in their counter claim. They further contend that the Settlement Deed dated 12.05.2016 and Rectification Deed dated 28.12.2016 relied on by the respondent are not true, valid or binding, and that the respondent is attempting to alienate the petition mentioned properties on the strength of those documents. Since the registering authority has stated that registration cannot be refused without an order of injunction from a competent Court, the petitioners seek interim protection to prevent alienation, encumbrance, third party claims and multiplicity of proceedings pending disposal of the suit.

3. The brief averments of the Counter filed by Respondent :

The respondent denies the allegations and contends that he is the absolute owner of the petition schedule lands under the Settlement Deed dated 12.05.2016 executed by his mother. According to him, defendants 1 and 2 are only cultivating the lands and have not paid the annual rent of Rs.50,000/-. He states that he has no intention to alienate or encumber the petition schedule properties until disposal of the connected suits. He also contends that the validity of the Settlement Deed is already an issue in O.S. No.174 of 2018 and that both suits are ready for trial. It is further stated that an earlier order of interim injunction in I.A. No.217 of 2019 had already

been granted in respect of the same properties, and therefore the present application seeking the same relief is not maintainable. Hence, he prays for dismissal of the petition.

4. POINT FOR CONSIDERATION:

Whether the petitioners are entitled to an order of interim injunction as prayed for?

5. DISCUSSION ON THE POINT:

5.1 The respondent/1st plaintiff Mohan, along with his mother, filed the suit for partition claiming share in the properties said to have belonged to late Dhandapani Chettiar, who is stated to have died intestate. He has also filed O.S. No.174 of 2018 for declaration and recovery of possession in respect of certain properties, relying upon a settlement deed and a Will said to have been executed by his mother. The petitioners/defendants 1 to 3, being the other children of late Dhandapani Chettiar and late Punitham Ammal, have filed a counter claim in the present suit, contending that the properties covered in O.S. No.174 of 2018 also form part of the joint family estate and that the Will relied on by the respondent is not genuine. The present application is filed seeking interim injunction against alienation or encumbrance of the properties referred to in the counter claim.

5.2 The respondent contends that, being the owner under the settlement deed, he cannot be restrained from dealing with his property, and that the validity of the said settlement deed has to be decided in O.S. No.174 of 2018. More importantly, it is admitted that an order of injunction had already been granted in I.A. No.217 of 2019

on 06.02.2020, restraining the respondent and his mother from alienating or encumbering the very same properties till disposal of the suit. When such an order is already in force in respect of the same relief and the same subject matter, the present second application is unnecessary and not maintainable. Therefore, the petitioners are not entitled to the relief sought in this application.

Accordingly, the point for consideration is answered against the petitioners.

In the result, this petition is dismissed. No costs.

Dictated to Steno-typist, transcribed and typed by her, corrected by me directly in my lap-top and pronounced by me in the open Court, on this the 13th day of July, 2026.

I Additional District and Sessions Judge,
Cuddalore.

List of witnesses and
exhibits on both sides: Nil

I Additional District and Sessions Judge,
Cuddalore.