

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CUDDALORE

Present: Selvi.B.Phebe, B.A.,LLB.,

Additional District Munsif, Cuddalore

Friday, the 06th day of March – 2026

I.A.No.4/2026 and I.A.No.5/2026

in O.S.No.8/2025

Mrs.Vijayachithra

....Petitioner/Plaintiff

-Vs-

1. Pattabu @ Pattabi Reddiyar

2. Gunasekar

3. Prabhakar

4. Baskar

5. Lakshmi Narayanan

6. Devaki

7. Dhanalakshmi

8. Punitha

9. Jaishankar

10.Rajeshwari

....Respondents/Defendants

Counsels on Record:

For Petitioners : Mr.S.R.R.Raaghavan

For R1 to R8 : Mr.C.B.Vishnudasan

For R9, R10 : Exparte in suit.

These petitions came before this Court in the presence of both counsels and

upon perusal of records and having stood over for consideration till this day, this court delivers the following:

COMMON ORDER

These applications are taken out by Petitioner under Order 39 Rule 1 & 2 and S.151 CPC to pass an Ad-Interim Injunction.

2. Gist of the Affidavits filed by the Petitioner in I.A.No.42026 and I.A.No.5/2026:

(i) The petitioner is the absolute owner of the suit schedule property. The petitioner purchased the same from the 10th Respondent/10th Defendant herein, out of petitioner's own funds. From the date of its purchase, she had been in possession and enjoyment of the same along with her family without any hindrance or encumbrance. All the Revenue Records like Patta, Chitta, Adangal etc., stand in her name. The petitioner had been cultivating Paddy Crop from the date of purchase of the suit schedule property.

(ii) Before that, the 9th Respondent/9th Defendant who is the husband of 10th defendant herein purchased the suit property from Mrs.Pattammal and Mrs.Vijayalakshmi vide Sale Deed bearing Doc. No.310/2001 dated 07.03.2001. Thereafter, the 9th Respondent/9th Defendant, along with his family, took possession and had been possessing and enjoying the same, and the Revenue Records also got mutated in his name. Later the 9th respondent/9th Defendant settled the suit schedule

property, in favour his Wife, the 10th Respondent/10th Defendant herein, through Settlement Deed bearing Doc.No.1875/2020 dated 25.09.2020. The property was meant to serve as maintenance for 10th Respondent/10th Defendant and her 2 children who are with her. Therefore, the Settlement Deed was duly executed, validly attested, registered, accepted, and acted upon.

(iii) At this juncture, the 5th Respondent/5th Defendant herein, in the year 2023, had disturbed the 10th Respondent/10th Defendant's peaceful possession and enjoyment of the suit property, disputing her title and the settlement made by her husband, the 9th Respondent/9th Defendant herein. Further, the 5th Respondent/5th Defendant had attempted to make a claim in the suit property and to disturb the possession of the 10th Respondent/10th Defendant herein. Therefore, the 10th Respondent/10th Defendant had filed a suit for Bare Injunction in O.S.No.101/2023 against the 5th Respondent/5th Defendant herein, before the Hon'ble Principle District Munsif Court at Cuddalore. While so, during the pendency of the suit, the suit schedule property was sold to petitioner herein. Therefore, the 10th respondent/10th Defendant herein has withdrawn the above suit in O.S.No. 101/2023 on 29.08.2024. There is a previous enmity between the family members of the Defendants 1 to 8 and the petitioner's family members. Therefore, the Defendants 1 to 8 are aggrieved picked up quarrel.

(iv) The facts being so, the Respondents 1 to 8/Defendants 1 to 8 suppressed the entire facts and filed a vexatious suit in O.S.No.16/2024 and

9th & 10th Respondent/Defendants. The Respondents 1 to 8/Defendants -1 to 8 have been continuously attempting to interfere and disturb the petitioner's peaceful possession and enjoyment of the suit schedule property since the 1st week of February 2024. Hence complaints were lodged. Even then the disturb continues. The petitioner had already filed an I.A.No.10/2025 in this suit before this Hon'ble Court, but later on, withdrawn by the petitioner as similar application is pending before the Higher Forum in I.A.No.70/2024 in O.S.No.16 of 2024 before the Hon'ble Addl. District Court at Cuddalore. While so, the above I.A.No.70/2024 was suddenly closed by the Hon'ble Court by stating the reason that "Suit Ripe for Trial and also Rejection of Plaint application is pending". Therefore, now the petitioner is before this Hon'ble Court.

3. Gist of the Counters filed by the 4th Respondent adopted by 1 to 3 Respondents and 6 to 8th Respondents in I.A.No.42026 and I.A.No.5/2026:

(i) These respondents denies the averments in these petitions. During the Pending lis of OS.101/2023, the vendor of this Petitioner said Rajeswari had sold the suit property to the present petitioner. The aforesaid sale was sham and nominal. The present petitioner is the pendente lite purchaser only an eo nomine of his vendor Rajeswari. The earlier suit filed by said Rajeswari was withdrawn on 29.08.2024 the said suit was dismissed as not pressed. The said suit is withdrawn without a liberty to file a fresh suit. Hence, the petitioner is precluded from instituting any suit on the same suit property.

(ii) It is curious to note that on 29/08/2024 this petitioner's father in law had lodged an FIR stating that on same day at about 10 AM 3rd and 5th respondent are cultivating by ploughing the suit property through tractor. When the petitioner and family members tried to prevent them the 3rd and 5th respondents had assaulted the family members of the petitioner on the same day. It is an admitted fact that the respondents are cultivating the said property. The respondent's family previously cultivated and harvested paddy crops and later cultivated Casuarina tree which was damaged and blow down so the respondent is now preparing to cultivate paddy crops in the suit property.

(iii) The respondent submits that even as per the admitted version of the petitioner, I.A.No.10/2025 was withdrawn without seeking a liberty to file fresh application on same subject matter and now again filing the same application seeking the same relief is inadmissible. Withdrawal without the court's permission is treated as abandonment of remedy and the petitioner can't revive the same cause of action thereafter. The petitioner with an intent to disposes the respondents from suit property and to restrict the respondent family from harvesting the cultivated crops had filed various complaints. Suit without seeking the relief of recovery of possession seeking injunction is not maintainable.

4. The point for consideration is whether these petitions filed by the petitioner under Order 39 Rule 1 & 2 and Sec 151 CPC are to be allowed or not?

5. No witnesses were examined and ExP1 to ExP48 were marked on the side of

petitioner. No witnesses were examined and no documents were marked on the side of respondent.

6. a. **The learned counsel for the petitioner reiterated the petition averments and argued that,** From the date of purchase of the suit property, the Defendants-1 to 8 have been keep on disturbing the plaintiff's possession and enjoyment, claiming title over the suit property as if it was their joint family property without any basis or proof. Petitioner has established that the prima facie, irreparable injury, and balance of convenience are all in her favour. Doctrine of lis pendens in the present case is not applicable in the present case for the reason that O.S.101/2023 suit was not a title suit or partition suit. Moreover, there was no interim injunction as against the 10th defendant herein, not to alienate the suit property.

b. Further, the bare injunction suit in O.S.No.101/2023 was filed by the 10th defendant herein. Whereas, this suit is filed by this plaintiff, who was not party in the above O.S.No. 101/2023. Whereas, the defendant-1 to 8 are trying to project that the judgment and decree in that suit would operate as res-judicata. A subsequent suit is maintainable while a previous suit is pending in the same court or another court, if the matter in issue are not identical and not directly and substantially one and the same in both the suits.

c. The learned Counsel for the petitioner relied on the following judgments to substantiate his case.

➤ The Judgment of Hon'ble Supreme Court in the case of ***Church of Christ***

Charitable Trust & Edu v. M/s. Ponniamman Edu. Trust in ***CA.No.4841/2012*** for the proposition that the cause of action is a bundle of facts which taken with the law applicable to them gives the plaintiff the right to relief against the defendant. A cause of action must include some act done by the defendant since in the absence of such an act no cause of action can possibly accrue.

- The Judgment of Hon'ble High Court of Gujarat in the case of ***Chandra Darshan Developers Through Partner v. Hiralal Gopalbhai*** in ***R/Appeal from Order No.73/2022*** for the proposition that one must satisfy the court on the prima facie case, balance of convenience and irreparable loss for grant of injunction.
- The Judgment of Hon'ble High Court of Karnataka in the case of ***M/S Devtree Corp. Llp. V. M/S Bhumika North Gardenia, High Court Of Karnataka***, in Miscellaneous First Appeal No.2978/2024 (AA) for the proposition that for Lis pendens to apply; (i) The suit must be related to rights in immovable property (i.e) title or possession. (ii) The suit should be continued till passing decree and judgment or final order. (iii) The transfer must affect the rights of the other party.
- The Judgment of Hon'ble Supreme Court of India in the case of ***Prem Kishore & Ors. v. Brahm Prakash & Ors***, in Civil Appeal No.1948/2013 for the proposition that an order closing the proceedings is not final decision of the

suit within the meaning of Order 9 Rule 8 and Order 17 Rule 3 respectively of the CPC and hence will not operate as res judicata.

- The Judgment of Hon'ble High Court of Himachal Pradesh in the case of ***Ashok Lal Chopra V. Mrs.Kiran Kapoor & Ors***, in CMPMO No.418/2020 for the proposition that for application of Section 10 of the Code, the entire subject-matter of the two suits must be the same.
- The Judgment of Hon'ble High Court, Delhi in the case of ***Amita Vashisht V. Tarun Vedi*** reported in **CM(M) 980/2022** for the proposition that S.10 applies only to suits and not to applications and complaints.
- The Judgment of Hon'ble Supreme Court of India in the case of ***Anathula Sudhakar V. P.Buchi Reddy By Lrs & Ors*** reported in **AIR 2008 SC 2033** for the proposition that a person has a right to protect his possession against any person who does not prove a better title by seeking a prohibitory injunction, if he has de-jure possession.
- The Judgment of Hon'ble Supreme Court of India in the case of ***Rame Gowda by Lrs Vs M.Varadappa Naidu by Lrs & Anr*** reported in **2004 AIR SCW 4205** was pressed into service for enlightening the court on the working rule for determining the attributes of 'settled possession'.
- The Judgment of Hon'ble Supreme Court of India in the case of ***Shanti Kumar Panda V. Shakuntala Devi (Supra)***, reported in **2004 (1) SCC 438** for the proposition that for the grant of ad interim injunction under rule 1 or 2 of

order 39 of the CPC, the competent court shall have to form its opinion on the availability of a prima facie case, the balance of convenience and the irreparable injury - the three pillars on which rests the foundation of any order of injunction.

- The Judgment of Hon'ble Supreme Court of India in the case of ***A.B.C. Laminart Pvt. Ltd. & Anr. V. A.P. Agencies, Salem*** reported in (1989) 2 SCC 163, for the proposition that a cause of action means every fact, which if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court.
- The Judgment of Hon'ble Supreme Court of India in the case of ***Bloom Dekor Ltd. V Subhash Himatlal Desai & Ors.*** reported in (1994) 6 SCC 322, for the proposition that "cause of action" is a bundle of facts which it is necessary for the plaintiff to prove in order to succeed in the suit.
- The Judgment of Hon'ble Supreme Court of India in the case of ***K.K.Modi V. K.N. Modi & Ors*** in Civil Appeal No. 613 of 1998 was pressed into service for enlightening the court on what would amount to abuse of process of court.
- The Judgment of Hon'ble Supreme Court of India in the case of ***Dalpat kumar & anr v. Prahlad singh & ors*** reported in AIR 1993 SC 276B; the Judgment of Hon'ble Bombay High Court in the case of ***Rajendraprasad R.Singh V. The Municipal Coprn Of Gr.Bombay*** reported in AIR2003BOM392 and the Judgment of Hon'ble Supreme Court of India in

the case of *Morgan Stanely Mutual Funds V. Kartick Das* reported in 1994 SCC (4) 225; for the proposition that Ad-Interim Injunction and Interim Injunction Applications can be filed at any stage of the suit, during its pendency till the disposal of the same.

7. a. **The learned counsel for the Respondent reiterated the counter averments and argued that,** this petition is not maintainable and is hit under Order 23 Rule 1 of CPC for the reason that, already IA.No.10/2025 in this suit has been withdrawn by the petitioner without seeking liberty. Further the petitioner's vendor has already filed a suit in OS.101/2023 which was again withdrawn by the petitioner's vendor on 29.08.2024 and the suit was eventually dismissed as 'Not pressed'. Even in that suit liberty to file fresh suit on same cause of action was not sought for.

b. Further, a comprehensive suit in OS.16/2024 is pending before district court. Even in that OS, IA.No.70/2024 was closed by the Hon'ble Court. This is a 5th petition by the petitioner. Successive applications for injunction without seeking liberty in previous application is barred under law. Further the learned counsel for the respondent argued that, the petitioner's side documents would prove that, the respondents are in possession of suit property. He submitted that the respondents are in settled possession. Further he argued that Sec.10 of CPC has no relevance to the present case. The cause of action in OS.101/2023 and the present suit is one and the same.

c. The learned counsel for the respondent further argued that, Exp30 would prove that Injunction has been sought for the same property as in OS.101/2023. Even in OS.8/2025 the petitioner has admitted that cause of action arised in the year 2023. When the suit itself is not maintainable equitable remedy could not be claimed by the petitioner. The petitioner has not proved his possession and there is also no prima facie case in favour of the petitioner. There is no threat of dispossession as there is no possession at all. When the petitioner is well aware of OS.101/2023 they cannot plead ignorance as to the knowledge of withdrawal of the said case. This suit for injunction simpliciter is not maintainable as the petitioner should have sought the relief recovery of possession and also declaration.

d. *The learned counsel for the petitioner in reply to the above argued that,* the respondents have not filed any documents to prove possession. The petitioner came to know about the suit in OS.101/2023 only after receiving the plaint in OS.16/2024. Doctrine of lis pendens has no application to the present case. Further suit in OS.101/2023 has not attained finality. The earlier application in the present suit was withdrawn because of the injunction petition pending before the higher forum. However, that IA was closed by the Hon'ble Court.

e. The learned counsel for the petitioner further argued that O.S.No.8/2025 is very well maintainable for the reason that OS.16/24 is not a comprehensive suit as no relief of declaration has been sought for in that suit. Further only the 3rd prayer there in is against the petitioner herein. Hence, suit in

OS.16/2024 doesn't operate as res-subjudice.

7. Heard petitioners side. Perused the records.

8. Analysis:

(i) The petitioner has filed both the above IAs seeking Ad-interim injunction on ground that the petitioner is in possession of the suit property and the respondents are disturbing the petitioner from enjoying the property in a peaceful manner. To prove the same, she has relied on ExP1 to ExP48.

(ii) **Ex.P1** is the Encumbrance certificate for the period 01.01.2020 to 26.11.2023 which mentions the settlement deed in favour of Rajeswari by Jaishankar in Doc.No.1875/2020 dated 25.09.2020 as 1st entry. **Ex.P2** is the EC for the period 15.10.2019 to 10.11.2024. As 2nd entry it mentions the Sale deed in Doc.No.4056/2023 dated 29.11.2023 by Rajeswari to Vijayachithra for a sale consideration of Rs.11,50,000/- with reagrd to propety in S.No.57/2, 57/5A, 70/1A, 70/4 comprising 2 acres 89 cents of land. **Ex.P3** is the Partition deed in Doc.No.499/1969 dated 19.04.1964 executed between Selvaraj, Anand, Subramanian, Rajathi ammal, Subburayapillai and Pattammal. **Ex.P4** is the Sale deed dated 23.09.1967 in favour of Murugesu Chettiar and Subburayapillai by 13 members. **Ex.P5** is the Sale deed dated 07.03.2001 in Doc.No.0310/2001 in favour of Jaishankar by Pattammal and Vijyalakshmi. **Ex.P6** is the Settlement deed dated 25.09.2020 by Jaishankar in favour of Rajeswari in Doc.No.1875/2020. **Ex.P7** is the Sale deed in favour of S.Balamurugan by Jaishankar in Doc.No.3004/2021 dated

10.11.2021. **Ex.P8** is the Patta in Patta No.1178 in favour of Balamurugan for property in S.No.58/2A and 58/5. **Ex.P9** is the receipt in favour of Vijayachithra dated 25.09.2024 for ploughing machine and also has the insurance for the crop in Pradhan Manthri Fasil Bimayojana.

(iii) **Ex.P10** is the photo of petitioner in suit property with geographical location. **Ex.P11** is the Sale deed in Doc.No.4056/2023 dated 29.11.2023 in favour of Vijayachithra by Rajeswari. **Ex.P12** is the Patta in Patta No.1312 in favour of Vijayachithra for property in S.No.57/2, 57/5A, 70/1A, 70/4. **Ex.P13** is the Acknowledgment receipt for the application to measure the suit property in application No.617 dated 02.02.2024. **Ex.P14** is the Report of Taluk Surveyor dated 02.02.2024. **Ex.P15** is the FIR in Cr.No.53/2024 dated 01.09.2024 by Selvaraj against Prabakaran and Lakshminarayanan. **Ex.P16** is the Chitta in Favour of Vijayachithra for property in Patta No.1312. **Ex.P17** is the FIR in Cr.No.57/2024 dated 21.09.2024 by Hemalatha against Selvaraj, Rajendiran, Raguraman and Vijayachithra. **Ex.P18** is the Adangal by VAO in the name of Vijayachithra mentioning that Paddy was cultivated in the suit property. **Ex.P19** is the Application by S.Vijayachithra to RDO dated 14.10.2024 with regard to land encroachment. **Ex.P20** is the Bail order in Criminal O.P.No.24967/2024 for Selvaraj, Rajendiran, Raguraman and Vijayachithra. **Ex.P21** is the Receipt of Primary Agricultural Cooperative Society in favour of Vijayachithra. **Ex.P22** and **Ex.P23** are one and the same. It is the Patta in Patta No.1216 in the name of

Rajeswari for property in S.No.57/2 and 70/4. is the Patta.

(iv) **Ex.P24** is the Adangal in the name of Rajeswari for the property in S.No.57/2, 57/5A, 70/1A, 70/4 which mentions that Paddy crop was cultivated in the suit property. **Ex.P25** is the Adangal in the name of Jayshankar for the Fasili year 1430. **Ex.P26** is the A Register in the name of Vijayachithra for property in S.No.57/2. **Ex.P27** is the receipt of seed purchase dated 12.08.2024 from Sri Vinayaga Agencies. **Ex.P28** is the receipt of ploughing machine dated 25.09.2024. **Ex.P29** is the RTI questionnaire and reply stating that petitioner has in her account the NFSM subsidy of Rs.4,500/-. **Ex.P30** is the Complaint dated 14.02.2025 by Vijayachithra to Superintendent of Police stating that, the respondents have harvested the paddy crops in the suit property and the respondents have also assaulted the petitioner's family both verbally and physically. **Ex.P31** is the photographs of the above said quarrel and harvest. **Ex.P32** is the photographs the harvesting machine in the suit property. **Ex.P33** is the discharge summary of Raguraman dated 13.03.2023. **Ex.P34** is the CSR No.24/2025 dated 14.02.2025 by Raguraman as against Prabakaran, Lakshminarayanan and Baskar stating that paddy crops in the suit property were harvested by the respondents and on questioning the same they assaulted Raguraman. **Ex.P35** is the plaint in OS.101/2023 which was filed by Rajeswari as against Lakshminarayanan for the relief of Permanent injunction and for costs. **Ex.P36** is the Written Statement of the defendant in OS.101/2023 stating that, the suit property is the joint family property of the

defendant and the plaintiff therein had no right in the suit property.

(v) **Ex.P37** is the Daily status of OS.101/2023 which shows that the suit was Not pressed by the plaintiff by filing a memo and eventually the suit was dismissed as not pressed on 29.08.2024. **Ex.P38** is the Judgment and Decree in OS.101/2023 which shows that the suit was dismissed as Not pressed on 29.08.2024. **Ex.P39** is the Plaint in OS.No.16/2024 filed by Pattabireddiyar, Gunasekar, Prabakar, Baskar, Lakshminarayanan, Devaki, Dhanalakshmi and Punitha as against Jaishankar, Rajeswari and Vijayachithra for the relief of Partition and to declare the Settlement deed in favour of Rajeswari and to declare the sale deed in favour of Vijayachithra as null and void and for costs. **Ex.P40** is the Photographs of paddy in the suit property. **Ex.P41** is the complaint dated 22.01.2025 by Vijayachithra to Superintendent of Police stating that, the respondents prevented the petitioner from harvesting the paddy crops in the suit property. **Ex.P42** is the CSR 19/2025 dated 29.01.2025 by Vijayachithra as against Lakshminarayanan and Prabakaran stating that small portion of paddy in suit property has been harvested by the respondent.

(vi) **Ex.P43** is the Memo filed by the petitioner herein in OS.16/2024 stating that paddy crops have been already harvested by the respondents there is no necessity to advance the hearing of the interim application. **Ex.P44** is the daily status of OS.16/2024 which shows that on 11.07.2025 IA.70/2024 is closed on the ground that suit ripe for trial. **Ex.P45** is the Sale deed dated 03.04.2023 in favour of Lakshminarayanan by P.Thiyagarajayan for property in S.No.56/1B and 57/5B.

Ex.P46 is the Complaint by Vijayachithra dated 19.05.2025 to Superintendent of police and District collector stating that respondents are trying to dispossess the suit property by planting Casuarina plants. **Ex.P47** is the Complaint by M.Selvaraj dated 26.11.2025 to Superintendent of police stating that respondents entered into quarrel with him and assaulted verbally and physically. **Ex.P48** is the Photographs of suit property.

(vii) Per contra, the respondents submit that they are in possession of the suit property and the suit property belongs to them as the joint family property. However, it is pertinent to note that the respondents have not filed a single document to prove the same.

(viii) Firstly, on the maintainability of the application. The respondent counsel vehemently argued that these applications are hit by O.23 R.1 of CPC for the reason that earlier application in I.A.No.10/2025 was withdrawn without liberty and hence these applications are not maintainable. However, this court is of the view that those applications are withdrawn on a sufficient cause that I.A.No.70/2024 is pending before higher forum. However, from the pleadings and Ex. P44, it could be seen that, I.A.No. 70/2024 is closed. Though, the respondent counsel, argues that these petitions are successive applications, there is no dispute as to the fact that neither the higher forum nor this court has decided any injunction application on merits before. The previous applications either stands closed or withdrawn on sufficient cause. That being the case, this court is of the view, equitable relief of

injunction could be sought for whenever there is threat of dispossession or disturbance to peaceful possession. The petitioner cannot be asked to run from pillar to post for the equitable reliefs.

(ix) Secondly, on the triple test. It is a settled principle of law that while considering the question of grant of interim injunction, the courts are required to consider the three tests of prima facie case, balance of convenience and irreparable injury. At this juncture it would be apt to refer to the Judgment of Hon'ble Apex Court in ***Ramakant Ambalal Choksi Harish Ambalal Choksi & Others*** reported in **2024 INSC 913** which lays down the principle governing grant of Temporary Injunction. The relevant passage is as follows:-

*“33.In the case of **Anand Prasad Agarwal v. Tarkeshwar Prasad** reported in (2001) 5 SCC 568, it was held by this Court that it would not be appropriate for any court to hold a mini-trial at the stage of grant of temporary injunction.*

34.The burden is on the plaintiff, by evidence aliunde by affidavit or otherwise, to prove that there is “a prima facie case” in his favour which needs adjudication at the trial. The existence of the prima facie right and infraction of the enjoyment of his property or the right is a condition precedent for the grant of temporary injunction. Prima facie case is not to be confused with prima facie title which has to be established on evidence at the trial. Only prima facie case is a substantial question raised, bona fide, which needs investigation and a decision on merits. Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The

*Court further has to satisfy that non-interference by the court would result in “irreparable injury” to the party seeking relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely one that cannot be adequately compensated by way of damages. The third condition also is that “the balance of convenience” must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that which is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject matter should be maintained in status quo, an injunction would be issued. Thus, the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit. (See: **Dalpat Kumar v. Prahlad Singh reported in (1992) 1 SCC 719.**)”*

(x) On assessing the present case, having the above settled principles of law in mind, this court is of the view that, petitioner herein have established a prima facie case in her favor. There is no dispute as to the parentage of title till the purchase of suit property by 9th defendant herein/Jayashekhar. The respondents herein dispute the

settlement deed in favor of 10th defendant and the sale deed in favor of petitioner. The said matter is pending adjudication in O.S. 16/2024. Whereas, O.S. 8/25 is filed by the petitioner herein for permanent injunction on the strength of her title deeds and alleged possession. The cause of action and the reliefs sought for in both suits are different. Ex. P1 to P12, P16, P18, P22 to P26 all goes on to prove the prima facie case in favor of the petitioner. Further the petitioner/Plaintiff submitted that she had cultivated paddy crop in the suit schedule lands 2 times, after its purchase (From Jan/2024 to May/2024, and then from September/2024 to Jan 2025). To prove the same, she has relied on Adangal (Ex. P18), Petitioner's Seed purchase Receipt (Ex.P.27), Petitioner's Payment Receipt of cultivating Machine (Ex.P.28), Petitioner's Crop Insurance (Ex. P9) and the Receipt of Primary Agricultural Cooperative Society in favour of Petitioner (Ex. P21).

(xi) Apart from the above, to prove the disturbance by the respondents, the petitioner filed the complaints lodged by them against the respondents on each instances (Ex.P.30, Ex.P34, Ex.40, Ex. P41, Ex.P42, Ex.P46, Ex. P47), Photographs of Quarrel and suit property (Ex. P31, Ex. P32, Ex.P48), Discharge Summary of Raguraman (Ex. P33). Contrarily, no documents were filed on the side of respondents to prove their possession.

(xii) In light of all the discussions, this court is of the view that the petitioner herein has established a prima facie case in her favor and balance of convenience also lies in her favor. If the relief of temporary injunction is not granted, there would

be irreparable loss caused to the petitioner.

(xiii) However, this court is also wary of the complaints and counter complaints with regard to the suit property and also it could be seen from the pleadings that both the petitioner and respondents have agricultural lands adjacent to the suit property. In view of same and further not to escalate the existing tension, this court finds it appropriate to direct the petitioner herein to not to cultivate the suit property till the disposal of the suit. Further the petitioner should also not permit any other person to cultivate the suit property.

Admittedly, no order of injunction is granted by Hon'ble District Court in O.S.No.16/2024. Therefore, this order is subject to the orders if any, passed by the Hon'ble District Court as this is a suit *pendente lite*.

In fine, both the Petitions are hereby allowed granting Interim Injunction restraining the respondents 1 to 8/ Defendants 1 to 8 their men and agents and any other persons claiming under them from in any manner interfering with petitioner's peaceful possession and enjoyment of the suit schedule properties, described in the petition, till disposal of this suit in OS.No.8/2025.

Petitioner is directed not to cultivate the suit property till the disposal of the suit. No order as to costs.

The appreciation of evidence and finding given, the order passed in this petition is only applicable to this petition alone. This will not prejudice the merits of the case.

Dictated to Steno Typist, typed and printed out by her and corrected and pronounced by me in open court, on this day, the 06th day of March – 2026.

Additional District Munsif,
Cuddalore.

List of Witnesses on Petitioner sides: Nil.

List of Documents on Petitioner sides:

Ex.P1	27.11.2023	Encumbrance certificate	Copy
Ex.P2	11.11.2024	Encumbrance certificate	Copy
Ex.P3	22.04.1969	Partition deed	Copy
Ex.P4	23.09.1967	Sale deed	Copy
Ex.P5	12.03.2001	Partition deed	Copy
Ex.P6	25.09.2020	Settlement Deed	Copy
Ex.P7	09.11.2020	Sale deed	Copy
Ex.P8	20.06.2024	Patta	Copy
Ex.P9	25.09.2024	Petitioner's Crop Insurance	Copy
Ex.P10	-	Photo	Copy
Ex.P11	29.11.2023	Sale deed	Copy
Ex.P12	22.10.2024	Patta	Copy
Ex.P13	02.02.2024	Acknowledgment Receipt	Copy
Ex.P14	02.02.2024	Report of Taluk Surveyor	Copy
Ex.P15	01.09.2024	First information report (FIR)	Copy

Ex.P16	-	Chitta	Copy
Ex.P17	21.09.2024	First information report (FIR)	Copy
Ex.P18	-	Adangal by VAO	Copy
Ex.P19	-	Application to RDO	Copy
Ex.P20	-	Bail order in Petition No.24967/2024	Copy
Ex.P21	25.10.2024	Receipt of Primary Agricultural Cooperative Society	Copy
Ex.P22	-	Patta for Patta No.1216	Copy
Ex.P23	-	Patta for Patta No.1216	Copy
Ex.P24	-	Adangal in the name of Rajeswari	Copy
Ex.P25	-	Adangal for Fasili year 1430	Copy
Ex.P26	-	‘A’ Register entry in the name of Vijayachithra	Copy
Ex.P27	12.08.2024	Cash Bill in the name of Vijayachithra.S for the purchase of Seeds	Copy
Ex.P28	25.09.2024	Cash receipt for ploughing machine	Copy
Ex.P29	18.08.2025 & 18.09.2025	Bank Pass Book of Vijayachithra.S, Letter to RTI & Reply from RTI	Copy
Ex.P30	14.02.2025	Police Complaint given by S.Vijayachithra	Copy
Ex.P31	-	Photographs	Copy
Ex.P32	-	Photographs	Copy
Ex.P33	13.02.2025	Discharge Summary, Pharmacy Bills and Doctors prescription in the name of Raguraman	Copy
Ex.P34	14.02.2025	CSR No.24/2025	Copy
Ex.P35	-	Plaint in OS.101/2023 filed by the 10 th defendant herein	Copy

Ex.P36	-	Written Statement in OS.101/2023	Copy
Ex.P37		E-Court daily case status for OS.101/2023	Copy
Ex.P38	19.08.2024	Judgment and Decree in OS.101/2023	Copy
Ex.P39	-	Plaint in OS.16/2024	Copy
Ex.P40	-	Photographs	Copy
Ex.P41	22.01.2025	Police Complaint given by S.Vijayachithra	Copy
Ex.P42	29.01.2025	Written Police complaint and CSR	Copy
Ex.P43	-	Memo filed before ADJ, Cuddalore	Copy
Ex.P44	-	E-Court daily case status for OS.16/2024	Copy
Ex.P45	03.04.2023	Sale Deed executed by P.Thiyagarajan	Copy
Ex.P46	22.05.2025	Police Complaint given by S.Vijayachithra	Copy
Ex.P47	26.11.2025	Police Complaint given by M.Selvaraj	Copy
Ex.P48	-	Photographs	Copy

List of Witnesses and Documents on Respondent both sides: Nil.

Additional District Munsif,
Cuddalore.

ADM Court, Cuddalore.
Fair Order
