

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF KANCHEEPURAM  
KANCHEEPURAM DISTRICT**

**PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,  
Principal District Munsif, Kanchipuram**

On Wednesday, this the 06<sup>th</sup> day of December 2023

**IA.No. 3 of 2023  
in  
O.S.No. 103 of 2023**

1. Mr.Subash@Balaji

2. Mr. MohanKumar

...Petitioners/Plaintiffs

/Versus/

1. Mrs. Ponmozhi

2. Mr. Yuvaraj

...Respondents/Defendants

This petition has come up on 05.12.2023 for final hearing before me in the presence of Thiru.S.Dilli Babu, advocate for the petitioner and Thiru.D.Elango, advocate for the respondents and upon hearing the arguments of both sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

**ORDER**

1. This petition is filed under Order XXXIX Rule 1 & 2 of CPC to grant ad-interim injunction, restraining respondents/defendants, their men, agent, representatives and any other persons claiming through the respondents/defendants from disturbing

peaceful possession and enjoyment of the suit property till the pending disposal of the suit and pass suitable orders.

**The case of the Petitioner as stated in his affidavit is as follows:-**

2. The petitioner submit that the property situated at kanchipuram District & Taluk, Kanchipuram Town, Kamatchi Amman Sannathi Street, comprised in Old S.No.883, measuring to an extent of 429 Sq.ft., originally belongs to the petitioner grandfather(late) Mr. Murugesu Naicker S/o. Thiruvengada Naicker. The Murugesu /naicker during his life time executed a registered will in favour of his wife Mrs. Amaravathi ammal dated 13.02.1998 under Document No.18/1998 on the file of SRO, joint-1, kanchipuram. Subsequently he executed a settlement deed under Document No.532/2001 dated 16.03.2001 infavour of his 3<sup>rd</sup> daughter Mrs.Kotteshwari and the same was registered on 21.03.2001 on the file of SRO, joint-1, Kanchipuram to an extent of 234Sq.ft., out of 429 SQ.ft. After the demise of Murugesu Naicker, his wife Mrs.Amaravathi ammal had possessed and enjoyed the said property to the extent of 195Sq.ft., without any hindrance, during her life time he executed a registered sale deed to the extent of 39Sq.ft in southern portion of the property, in favour of one Mr.Parthiban S/o. Purushothaman dated 27/09/2006 under Document No. 3232/2006, on the file of SRO, joint-1, Kanchipuram, on the same day she executed a registered will to the extent of 156Sq.ft., the remaining portion, herein after called as suit property, in favour of the her Grandsons (son's sons) the plaintiffs herein through the will dated 27/09/2006 under Document No.51/2006 Book No.3 on the file of SRO, Joint-1, Kanchipuram, the said Mr.Parthiban also had signed as attesting witnesses of the registered will.
3. The petitioner grandmother Mrs.Amaravathi ammal died on 17/01/2018, after her demise, the petitioners became the absolute owner and title and having a peaceful

possession and enjoyment of the suit property and the same was recognized by the revenue authorities hence the revenue records stands in petitioners name, and the Survey Number sub divided as 883/1C2 e.g, patta, property tax receipt etc. During the month of June 2021, the petitioners had tried to develop the suit property, at that time the 1<sup>st</sup> Respondent/Defendant Mrs. Ponmozhi, she is daughter's daughter of Mrs. Amaravathi ammal, came to the suit property and made a quarrel with the petitioner and stated that her husband Late Mr.Varathan purchased the same from Mrs.Amaravathi ammal. Since the petitioners verified the encumbrance of the suit property and to shock and surprise to seen the entry in Encumbrance certificate said Varathan purchased the suit property through the sale deed dated 25.05.2011 under Document No. 1432/2011 on the file of SRO, joint-1, Kanchipuram. After that the petitioners had obtained the copy of the alleged sale deed from the SRO and on verification the petitioners had come to known that the left thump impression and signature of Mrs.Amaravathi ammal was forged one, because at the time of alleged sale deed her age was more than 85 years hence, due to old age she was not able to made a signature like meddle aged women, but the signature in the alleged sale deed done like a meddle aged women.

4. The 1<sup>st</sup> Respondent/Defendant had taken care of her Grandmother Mrs.Amaravathiammal during the year of 2011 she used undue influence to Mrs.Amaravathiammal and created the false and fabricated sale deed infavour of her husband name and created the encumbrance to suit property. The 1<sup>st</sup> respondent/defendant very well known the existence of registered will in favour the petitioner, because the one of the attesting witness of the said will, Mr.Partiban was her close relative hence, the alleged sale deed in her husband's name is clearly shown the malafide intention of the 1<sup>st</sup> respondent/defendant to grab the property

from the petitioners.

5. The petitioners had tried several times to solve the dispute between the 1<sup>st</sup> respondent/defendant through the petitioner relatives but the 1<sup>st</sup> respondent/defendant could not come to compromise. Since the petitioners had given a prohibition petition on 28.03.2022 before the SRO, joint-1, Kanchipuram for encumbrance and also, the petitioners had filed a police complaint regarding the forged document created by the 1<sup>st</sup> respondent/defendant before the superintendent of police Kanchipuram District on 11.08.2022 and same was forwarded to the Land Grabbing cell Kanchipuram under receipt No.988/2022. During the investigation, the police authority called the both parties to made an enquiry and given a direction to the petitioners and the 1<sup>st</sup> respondent/defendant to handover the original sale deed under Document No.1432/2011 and will under document No.51/2006 to send a signature verification through the concern authority, but the 1<sup>st</sup> respondent/defendant handed over the certified copy of the alleged sale deed only.
6. The petitioners had waited more than 6 months for proper actions will be taken by the Land Grabbing Cell, but they had never taken any action then the petitioners had sent the RTI letter to the concerned authority on 07.03.2023 and asked questions regarding our complaint and investigation. Then the additional Police Superintend, Kanchipuram given a report through RTI on letter dated 20.03.2023 and reported that the signature of alleged sale deed and the will is "unfit for comparison" due to visually not clear and further stated "this report not for judicial purpose only for investigation. Thereafter the petitioners personally appeared before the Land Grabbing Cell during 3<sup>rd</sup> week of April 2023 and enquired about the investigation, the police officials stated that the thump impression report not deriving the proper result hence, they had not taken any actions and advised to the

petitioners to approach the appropriate civil court to get the remedies.

7. The 2<sup>nd</sup> Respondent/Defendant is stranger and no way connected to the suit property, suddenly on 23.04.2023 he had tried to trespass the suit property, but the same was restrained by the petitioners with help of the friends and family members and on the same day the petitioners had given the police complaint before B1, Siva Kanchi Police Station Kanchipuram, against the 2<sup>nd</sup> Respondent/Defendant. On enquiry done by the police officials the 2<sup>nd</sup> Respondent/Defendant had given an undertaking do not to disturb the peaceful possession and enjoyment of the petitioners. On enquiry the petitioners had come to know that the 2<sup>nd</sup> Respondent/Defendant trying to purchase the suit property from the 1<sup>st</sup> Respondent/Defendant. The alleged sale deed in favour of Late Varathan the Husband of 1<sup>st</sup> Respondent/Defendant herein is forged and fabricated one. Hence, the same is not valid in law and not created any title or right to the 1<sup>st</sup> Respondent/Defendant, it is liable to be declared as null and void and void ab initio. Except the petitioners and petitioner brother, no one is not having any right or title to the suit property, since except the order of this Hon'ble Court the acts of the defendants cannot be restrained, because they have power of men and money, hence the petitioner have approached this Hon'ble Court and filed this present petition. If this petition was not allowed it will be a great hardship to this petitioners/plaintiffs the same was not compensated in terms of money. Hence this petition.

**The respondent filed his counter and the gist of the same is as follows:**

8. This respondent denies all the allegations contained in the affidavit as false, frivolous, vexatious. The suit schedule mentioned property and its adjacent extent measuring East to West 19 1/2 North to South 22 feet with house construction comprised in Town Survey Number 883 having door No.51A/B situate at Kamatchi

Amman Sannathi Street, Big Kanchipuram, 4<sup>th</sup> Division, Kanchipuram Town originally belonged to one Thiru. T.Murugesu Naicker S/o Thiruvengada Naicker as his absolute property. T.Murugesu Naicker has bequeathed the said extent of property infavour of his wife Amaravathi ammam as per registered Will dated 13.02.1998 under document No. 18 of 1998 on the file of joint No.1 Sub Registrar Office, Kanchipuram.

9. The Murugesu Naicker has settled the property to an extent of East to West 19 1/2 feet and North to South 12 feet in T.S.No.883 infavour of one Kotteeshwari as per registered settlement deed dated 16.03.2001 under document No.532 of 2001 on the file of Joint No.1 Sub Registrar, Kanchipuram. T.Murugesu Naicker died on 22.09.2002 and after the demise of him, the said Will has come into force and then the said Amaravathiammam has got the property and she has been possessing and enjoying the said property by way of exercising all rights of ownership over the said property. Further, the Amaravathiammam has sold away to an extent of 2 feet North to South and 19 1/2 feet East to West infavour of Parthiban as per registered sale deed dated 27.09.2006. Then, she has bequeathed the part of the property measuring East to West 19 1/2 feet and North to South 8 feet comprised in the Town S.No.883 infavour of her grandsons namely Subash@Balaji and Kumar @ Mohankumar who are the sons of Balasubramanian S/o T.Murugesu Naicker as per registered Will dated 27.09.2006 under document No.51 of 2006.

10. The Amaravathiammam was not taken any care by the said persons and then the Amaravathiammam was under care and custody of her grand daughters namely Ponmozhi W/o Varathan and Aruna W/o Siva and they have been providing all food, cloths, medical treatment to the Amaravathiammam and they have been looking after the Amaravathiammam in the proper manner. Then, the

Amaravathiammal has bequeathed the property with specified boundaries infavour of the Ponmozhi and Aruna as per registered Will dated 16.04.2009 under Document No.43 of 2009 on the file of the Joint No.4 Sub Registrar Office, Kanchipuram. The Amaravathiammal has come into the Sub Registrar Office, Kanchipuram and she has signed the said Will before the Attesting witness of the Will document and further she has signed in the ledger book maintained in the office of the Sub Registrar, Kanchipuram and all those process have been done in the proper manner.

**11.** The Amaravathiammal has sold away the said extent of suit property infavour of one Varathan who is the husband of the first respondent as per registered sale deed dated 25.5.2011 under document No.1432 of 2011 on the file of Joint No.1 Sub Registrar, Kanchipuram. Further it seems the Varathan died on 22.06.2012 leaving behind him, his mother Krishnaveni and his wife who is the 1<sup>st</sup> respondent as his legal heirs and they have succeeded to the property which is left by the Varathan now herein called the suit property. Subsequent, the Krishnaveni who is the mother of Varathan, died on 18.01.2018 and then the 1<sup>st</sup> respondent alone has become the absolute owner of the property and she has been in possession and enjoyment of the property by way of exercising all rights of ownership over the same. Thus, the present owner who is the 1<sup>st</sup> respondent herein has been in physical possession and enjoyment of the suit property by way of exercising all rights of ownership over the same.

**12.** When the fact is such, the present petitioners have filed the false suit against this 1<sup>st</sup> respondent claiming some imaginary right over the property under the previous Will dated 27.09.2006 which is not at all the last will of the Amaravathiammal. Further, it seems the Amaravathiammal has executed another will dated 16.04.2009

infavour of the 1<sup>st</sup> defendant. Then afterwards also, the Amaravathiammal has sold away the property infavour of one Varathan as per registered sale deed dated 25.05.2011. Then, only the Amaravathiammal died on 17.01.2018 so, the Wills dated 27.09.2006 have not acted upon and so, the petitioners have no right over the property. So, the petitioners are not having any right, title or possession over the suit property and so, the suit filed by the petitioners is vexatious one and it cannot be sued further and so, the suit is liable to be dismissed in liminie.

**13.** After the demise of the Varathan and his mother Krishnaveni the present 1<sup>st</sup> respondent who is the W/o Varathan as sole legal heir of him, has succeeded to the suit property and now she has been in possession and enjoyment of the suit property as absolute owner and so, her possession over the suit property cannot be disturbed by the present petitioners by way of filing this sort of vexatious suit against her. Further, in this case, the 2<sup>nd</sup> respondent is not at all connected with the suit property and only in order to harass and annoy him the 2<sup>nd</sup> respondent has been added as a party to this suit.

**14.** The Amaravathiammal has sold away the property infavour of Varathan during the year 2011 and this fact was very well known to the present petitioners at that time also. But after elapse of 12 years, the petitioners have questioned the validity of the sale deed is barred by limitation and further the present petitioners are entitled to question the same within 3 years from the registration of the sale deed. Further the present petitioners are the close relatives of the Amaravathiammal and so, the sale transaction is very well known to the present petitioners at that time of sale transaction. Further the Amaravathiammal has executed a Will during the year 2009 infavour of Ponmozhi and Aruna who are the grand daughters of her and this was also known to the present petitioners during the year 2009 itself. The present

petitioners have partitioned the property to an extent of 428 Sq.ft in T.S.No.883 without having any valid document of title and only on the basing of revenue entry they have created partition deed on 22.03.2022 unlawfully and further the present petitioners have influenced the revenue authorities under the wrong notion and they have obtained revenue entries in their names. The present petitioners have obtained Town Survey Field Register extract for their unlawful house construction property wrongly and in that extract the S.No.883 has been subdivide as 883/1C2 and now the present petitioners have produced the same for the suit property which is a vacant site property under the wrong intention and in order to confuse the minds of this Hon'ble Court the extract is produced by the present petitioners. After the demise of her husband, the 1<sup>st</sup> respondent is not having any support from any other person and after knowing the circumvent situation the present petitioners have filed this sort of petition in order to harass and annoy the 1<sup>st</sup> respondent. Hence, this petition may be dismissed.

15. The point for consideration in this petition is whether this petition is to be allowed or not.
16. During enquiry on the side of petitioner Ex.P1 to Ex.P8 were marked. On the side of respondent side, Ex.R1 to Ex.R2 were marked.

**The Point:**

17. The learned counsel for the petitioner argued that the property originally belongs to the petitioner grandfather(late) Mr. Murugesha Naicker S/o. Thiruvengada Naicker. The Murugesha /naicker during his life time executed a registered will in favour of his wife Mrs. Amaravathi ammal dated 13.02.1998 under Document No.18/1998 on the file of SRO, joint-1, kanchipuram. Subsequently he executed a settlement deed

under Document No.532/2001 dated 16.03.2001 infavour of his 3<sup>rd</sup> daughter Mrs.Kotteshwari and the same was registered on 21.03.2001 on the file of SRO, joint-1, Kanchipuram to an extent of 234Sq.ft., out of 429 SQ.ft. After the demise of Murugesu Naicker, his wife Mrs.Amaravathi ammal had possessed and enjoyed the said property to the extent of 195Sq.ft., without any hindrance, during her life time he executed a registered sale deed to the extent of 39Sq.ft in southern portion of the property, in favour of one Mr.Parthiban S/o. Purushothaman dated 27/09/2006 under Document No. 3232/2006, on the file of SRO, joint-1, Kanchipuram, on the same day she executed a registered will to the extent of 156Sq.ft., the remaining portion, herein after called as suit property, in favour of the her Grandsons (son's sons) the plaintiffs herein through the will dated 27/09/2006 under Document No.51/2006 Book No.3 on the file of SRO, Joint-1, Kanchipuram, the said Mr.Parthiban also had signed as attesting witnesses of the registered will.

18. The petitioner grandmother Mrs.Amaravathi ammal died on 17/01/2018, after her demise, the petitioners became the absolute owner and title and having a peaceful possession and enjoyment of the suit property and the same was recognized by the revenue authorities hence the revenue records stands in petitioners name, and the Survey Number sub divided as 883/1C2 e.g, patta, property tax receipt etc. During the month of June 2021, the petitioners had tried to develop the suit property, at that time the 1<sup>st</sup> Respondent/Defendant Mrs. Ponmozhi, she is daughter's daughter of Mrs. Amaravathi ammal, came to the suit property and made a quarrel with the petitioner and stated that her husband Late Mr.Varathan purchased the same from Mrs.Amaravathi ammal.

19. The petitioners had given a prohibition petition on 28.03.2022 before the SRO, joint-1, Kanchipuram for encumbrance and also, the petitioners had filed a police

complaint regarding the forged document created by the 1<sup>st</sup> respondent/defendant before the superintendent of police Kanchipuram District on 11.08.2022 and same was forwarded to the Land Grabbing cell Kanchipuram under receipt No.988/2022. During the investigation, the police authority called the both parties to made an enquiry and given a direction to the petitioners and the 1<sup>st</sup> respondent/defendant to handover the original sale deed under Document No.1432/2011 and will under document No.51/2006 to send a signature verification through the concern authority, but the 1<sup>st</sup> respondent/defendant handed over the certified copy of the alleged sale deed only.

20. The petitioners had waited more than 6 months for proper actions will be taken by the Land Grabbing Cell, but they had never taken any action then the petitioners had sent the RTI letter to the concerned authority on 07.03.2023 and asked questions regarding our complaint and investigation. Then the additional Police Superintend, Kanchipuram given a report through RTI on letter dated 20.03.2023 and reported that the signature of alleged sale deed and the will is "unfit for comparison" due to visually not clear and further stated "this report not for judicial purpose only for investigation.
21. The 2<sup>nd</sup> Respondent/Defendant is stranger and no way connected to the suit property, suddenly on 23.04.2023 he had tried to trespass the suit property, on the same day the petitioners had given the police complaint before B1, Siva Kanchi Police Station Kanchipuram, against the 2<sup>nd</sup> Respondent/Defendant. On the same day the petitioners had given the police complaint before B1, Siva Kanchi Police Station Kanchipuram, against the 2<sup>nd</sup> Respondent/Defendant. Hence, the petitioner counsel prayed to allow this petition.
22. The learned counsel for the respondent argued that the suit schedule mentioned

property and its adjacent extent measuring East to West 19 1/2 North to South 22 feet with house construction comprised in Town Survey Number 883 having door No.51A/B situate at Kamatchi Amman Sannathi Street, Big Kanchipuram, 4<sup>th</sup> Division, Kanchipuram Town originally belonged to one Thiru. T.Murugesha Naicker S/o Thiruvengada Naicker as his absolute property. T.Murugesha Naicker has bequeathed the said extent of property infavour of his wife Amaravathi ammam as per registered Will dated 13.02.1998 under document No. 18 of 1998 on the file of joint No.1 Sub Registrar Office, Kanchipuram.

23. The Murugesha Naicker has settled the property to an extent of East to West 19 1/2 feet and North to South 12 feet in T.S.No.883 infavour of one Kotteeshwari as per registered settlement deed dated 16.03.2001 under document No.532 of 2001 on the file of Joint No.1 Sub Registrar, Kanchipuram. T.Murugesha Naicker died on 22.09.2002 and after the demise of him, the said Will has come into force and then the said Amaravathiammal has got the property and she has been possessing and enjoying the said property by way of exercising all rights of ownership over the said property. Further, the Amaravathiammal has sold away to an extent of 2 feet North to South and 19 1/2 feet East to West infavour of Parthiban as per registered sale deed dated 27.09.2006. Then, she has bequeathed the part of the property measuring East to West 19 1/2 feet and North to South 8 feet comprised in the Town S.No.883 infavour of her grandsons namely Subash@Balaji and Kumar @ Mohankumar who are the sons of Balasubramanian S/o T.Murugesha Naicker as per registered Will dated 27.09.2006 under document No.51 of 2006.

24. The Amaravathiammal was not taken any care by the said persons and then the Amaravathiammal was under care and custody of her grand daughters namely Ponmozhi W/o Varathan and Aruna W/o Siva and they have been providing all

food, cloths, medical treatment to the Amaravathiammal and they have been looking after the Amaravathiammal in the proper manner. Then, the Amaravathiammal has bequeathed the property with specified boundaries infavour of the Ponmozhi and Aruna as per registered Will dated 16.04.2009 under Document No.43 of 2009 on the file of the Joint No.4 Sub Registrar Office, Kanchipuram. The Amaravathiammal has come into the Sub Registrar Office, Kanchipuram and she has signed the said Will before the Attesting witness of the Will document and further she has signed in the ledger book maintained in the office of the Sub Registrar, Kanchipuram and all those process have been done in the proper manner.

25. The Amaravathiammal has sold away the said extent of suit property infavour of one Varathan who is the husband of the first respondent as per registered sale deed dated 25.5.2011 under document No.1432 of 2011 on the file of Joint No.1 Sub Registrar, Kanchipuram. Further it seems the Varathan died on 22.06.2012 leaving behind him, his mother Krishnaveni and his wife who is the 1<sup>st</sup> respondent as his legal heirs and they have succeeded to the property which is left by the Varathan now herein called the suit property. Subsequent, the Krishnaveni who is the mother of Varathan, died on 18.01.2018 and then the 1<sup>st</sup> respondent alone has become the absolute owner of the property and she has been in possession and enjoyment of the property by way of exercising all rights of ownership over the same.

26. The present petitioners have filed the false suit against this 1<sup>st</sup> respondent claiming some imaginary right over the property under the previous Will dated 27.09.2006 which is not at all the last will of the Amaravathiammal. Further, it seems the Amaravathiammal has executed another will dated 16.04.2009 infavour of the 1<sup>st</sup> defendant. Then afterwards also, the Amaravathiammal has sold away the property

infavour of one Varathan as per registered sale deed dated 25.05.2011. Then, only the Amaravathiammal died on 17.01.2018 so, the Wills dated 27.09.2006 have not acted upon and so, the petitioners have no right over the property.

27. After the demise of the Varathan and his mother Krishnaveni the present 1<sup>st</sup> respondent who is the W/o Varathan as sole legal heir of him, has succeeded to the suit property and now she has been in possession and enjoyment of the suit property as absolute owner. The 2<sup>nd</sup> respondent is not at all connected with the suit property and only in order to harass and annoy him the 2<sup>nd</sup> respondent has been added as a party to this suit.

28. The Amaravathiammal has sold away the property infavour of Varathan during the year 2011 and this fact was very well known to the present petitioners. The Amaravathiammal has executed a Will during the year 2009 infavour of Ponmozhi and Aruna who are the grand daughters of her and this was also known to the present petitioners during the year 2009 itself. The present petitioners have obtained Town Survey Field Register extract for their unlawful house construction property wrongly and in that extract the S.No.883 has been subdivide as 883/1C2 and now the present petitioners have produced the same for the suit property which is a vacant site property under the wrong intention and in order to confuse the minds of this Hon'ble Court the extract is produced by the present petitioners. After the demise of her husband, the 1<sup>st</sup> respondent is not having any support from any other person and after knowing the circumvent situation the present petitioners have filed this sort of petition in order to harass and annoy the 1<sup>st</sup> respondent. Hence, the respondent counsel prayed to dismiss this petition.

29. During enquiry on the petitioner side Ex.P1 and Ex.P8 were marked. Ex.P1 is the Registered Will dated 27.09.2006 executed by Amaravathiammal in favour of the

petitioners and one Vijaya. Ex.P2 is the Original FMB and Original A Register stands in the name of petitioner dated 08.05.2023. Ex.P3 is the RTI Letter and Report by the Land Grabbing Cell dated 07.03.2023. Ex.P4 is the Property Tax Receipts 2021 to 2023 stands in the name of petitioner. Ex.P5 is the Receipt for Prohibition Petition to SRO (Original) dated 28.03.2022. Ex.P6 is the Certified copy of Sale deed dated 25.05.2011 and executed by Amaravathiammal in infavour of Mr. Varathan. Ex.P7 is the CSR for the Police complaint by the plaintiffs against the 2<sup>nd</sup> defendant dated 26.04.2023. Ex.P8 is the Register Office enquiry notice (Original) dated 20.07.2023.

30. During enquiry on the respondent side Ex.R1 to Ex.R12 were marked. Ex.R1 is the Certified copy of Registered Will dated 13.02.1998 executed by T.Murugesha Naicker infavour of his wife Mrs.Amaravathiammal. Ex.R2 is the Certified copy of Settlement deed dated 16.03.2001 executed by Murugesha Mudaliar in favour of Koteeshwari. Ex.R3 is the Certified copy of Registered Will dated 16.04.2009 executed by Amaravathiammal infavour of Ponmozhi and Aruna. Ex.R4 is the Certified copy of Sale deed dated 25.05.2011 executed by Amaravathiammal in favour of Mr.Varathan. Ex.R5 is the Certified copy of Sale deed dated 27.09.2006 executed by Mrs.Amaravathiammal infavour of Mr.Parthiban. Ex.R6 is the Certified copy of Partition deed dated 22.03.2022 entered between the 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner. Ex.R7 is the Death certificate of Amaravathiammal (Computerised copy) dated 17.01.2018. Ex.R8 is the Death certificate of Varathan (Computerised copy) dated 22.06.2012. Ex.R9 is the Death certificate of Krishnaveni (Computerised copy) dated 18.01.2019. Ex.R10 is the Legal Heir Certificate of Varathan (Original) dated 07.08.2012. Ex.R11 is the CSR copy for the Police complaint by the 1<sup>st</sup> defendant against the plaintiffs dated 16.07.2022.

Ex.R12 is the Encumbrance Certificate (Xerox).

31. Heard both sides arguments. Connected material records perused. The petitioners claims title over the suit property by way of Ex.P1. In Ex.P1 the total extent was given us 156 Sq.ft. By way of Ex.P2 the petitioners stated that the revenue record for the suit property stands in the name of petitioners. On the side of respondent Ex.R6 the partition deed was filed to show that on 22.03.2022, a partition was entered between the 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner. On perusal of Ex.R6 the partition deed, it shows in New S.No.883/1C2 for the extent 428 Sq.ft house the ground floor was allotted to 2<sup>nd</sup> petitioner and the 1<sup>st</sup> floor was allotted to the 1<sup>st</sup> petitioner and for the Town S.No.883/1C2 the FMB and original A register extract was also enclosed along with the partition deed. The FMB and original A register extract for the 428 Sq.ft was marked as Ex.P2 on the petitioner side. Hence Ex.P2 was not related to the suit property. In the present petition there is no description of property.
32. On the perusal of respondent side Ex.R1 to EX.R4 it shows after the execution of the will Ex.P1 subsequent documents were also created with respect to the suit property. Whether the suit property belongs to the petitioner or not can be decided only after full fledged trial. There is no prima facie case found in favour of the petitioner. Hence this court is not inclined to grant ad-interim injunction at this stage in favour of the petitioner.
33. In the result, this petition is dismissed. No cost.

Dictated to the steno-typist, who directly typed the same in her Computer, corrected and pronounced by me in open court, this the 06<sup>th</sup> day of December 2023.

sd/(R.Rajeswari B.Com.,L.L.M.,)  
PRINCIPAL DISTRICT MUNSIF  
KANCHEEPURAM

**Petitioners side exhibits**

Ex.P1	27.09.2006	Registered Will executed by Amaravathiammal in favour of the petitioners and one Vijaya
Ex.P2	08.05.2023	Original FMB and Original A Register stands in the name of petitioner
Ex.P3	07.03.2023	RTI Letter and Report by the Land Grabbing Cell
Ex.P4	---	Property Tax Receipts 2021 to 2023 stands in the name of petitioner
Ex.P5	28.03.2022	Receipt for Prohibition Petition to SRO (Original)
Ex.P6	25.05.2011	Certified copy of Sale deed and executed by Amaravathiammal in infavour of Mr. Varathan
Ex.P7	26.04.2023	CSR for the Police complaint by the plaintiffs against the 2 <sup>nd</sup> defendant.
Ex.P8	20.07.2023	Register Office enquiry notice (Original)

**Respondents side exhibits:**

Ex.R1	13.02.1998	Certified copy of Registered Will executed by T.Muruges Naicker infavour of his wife Mrs.Amaravathiammal
Ex.R2	16.03.2001	Certified copy of Settlement deed executed by Muruges Mudaliar in favour of Koteeshwari
Ex.R3	16.04.2009	Certified copy of Registered Will executed by Amaravathiammal infavour of Ponmozhi and Aruna.
Ex.R4	25.05.2011	Certified copy of Sale deed executed by Amaravathiammal in favour of Mr.Varathan
Ex.R5	27.09.2006	Certified copy of Sale deed executed by Mrs.Amaravathiammal infavour of Mr.Parthiban.
Ex.R6	22.03.2022	Certified copy of Partition deed entered between the 1 <sup>st</sup> petitioner and 2 <sup>nd</sup> petitioner
Ex.R7	17.01.2018	Death certificate of Amaravathiammal (Computerised copy)
Ex.R8	22.06.2012	Death certificate of Varathan (Computerised copy)
Ex.R9	18.01.2019	Death certificate of Krishnaveni (Computerised copy)
Ex.R10	07.08.2012	Legal Heir Certificate of Varathan (Original)

Ex.R11	16.07.2022	CSR copy for the Police complaint by the 1 <sup>st</sup> defendant against the plaintiffs
Ex.R12	----	Encumbrance Certificate (Xerox)

sd/(R.Rajeswari B.Com.,L.L.M.,)

PRINCIPAL DISTRICT MUNSIF  
KANCHEEPURAM