



Fair Order / Draft Order

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.

Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)

District Munsif, Vadipatti

Dated this the 08th day of October 2025

CNR No. TNMD190000062025

IA. No.2/2025

In

O.S. No.8/2025

G. Sankilipandi,
S/o. Late. Govindan

---- Petitioner / Plaintiff

//Versus//

1. Neelamegam,
S/o. Late. Solaimalai
2. Karmegakannan,
S/o. Neelamegam
3. Chinnaiyan,
S/o. Late. Pitchai
4. Ramar,
S/o. Late. Perumal
5. N. Karuppasamy
S/o. Neelamegam

---- Respondents / Defendants

This petition was filed before this Court on 07.01.2025 coming before me for final hearing on 08.10.2025, Advocate Thiru. A. Arumugam appeared for the Petitioner / Plaintiff. Advocate Thiru. K. Asaithambi appeared for R1 to R3 and R5. R4 set ex-parte. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....

IA No.2/2025 in OS. No.8/2025



ORDER

1. The petitioner had filed this petition under Order XXXIX Rule 1 & 2 of CPC to grant temporary injunction restraining the respondents, their men, agents or any other person acting under them from in any manner interfering with petitioner's enjoyment in the petition property, pending disposal of the suit.

2. **Petitioner averments in brief:**

i. The relevant portion of the petition in brief was that the petitioner was the plaintiff in the main suit. The main suit was filed for permanent injunction. The petitioner contention was that the petition property was a temple in the name of Muthammal Temple situated in Periyailanthaikulam Village was only belonged to Arunthathiyar village people and this petitioner. Further the respondents house was located near to the petition property of 3 feet in the north south side and 22 feet in the east west side. Thereby the petitioner, village people and the respondents were jointly worshipping the deity.

ii. Being so, the 1st respondent's father and his brother encroached the temple land. Hence the petitioner made a complaint to the police, the 1st respondent's father and his brother were prevented from encroaching the land belong to the temple. Whereas the said Muthammal temple was connected with the Malaiyammal temple in the Kalvelipatti Village and the land of Malaiyammal temple was acquired by the government for highway road, compensation of Rs.1,24,500/- was provided to the Muthammal temple by laying stone pillar and the goddess Malaiyammal is still worshiped by the petitioner along with the village people and the respondents.

iii. In such circumstances, the respondents interfered into the arrangements made to hold the Kumbabhishekam in the Muthammal Temple by claiming money to build a new temple in the name of Malaiyammal Neelamegam Vagiyara. Thus payment was made to the respondents to construct a temple nearby the Malaiyammal temple. Even thereafter the respondents were continuously made disturbance and prevented the petitioner and village



people from conducting Kumbabhishekam in the Muthammal Temple. Hence the petitioner filed a writ petition before the Hon'ble Madurai Bench of Madras High Court in W.P.(MD). No.21155/2024 to get permission to conduct the Kumbabhishekam in the Muthammal Temple. As the disturbance was continued by the respondents, even after complaint made to the police, thus the suit was filed and this petition was filed seeking temporary injunction against the respondents.

3. **Counter averments in brief:**

i. In the counter the 1 to 3 and 5 respondents admitted that the petition property was belong to the Arunthathiyar village people and the petitioner and denied all the other averments of the petition and contented that the Muthammal and Malaiyammal temples were also the family deity of the respondents as the respondents and the petitioners were the same community people. The respondents family did not encroached the petition property. But the petitioner with an intention to take revenge against this respondent had filed this petition. Further the respondents did not made any interruption to conduct the Kumbabhishekam in the Muthammal Temple but they made temple tax to the petitioner for celebrating the Kumbabhisekam in the Muthammal Temple.

ii. Being so, the petitioner without arraying these respondents as parties, filed a petition before the Hon'ble Madurai Bench of Madras High Court and also obtained order against these respondents to prevent the respondents from worshipping the Muthammal deity in the petition property. Thus complaint was made by the 3rd respondent. On the application of the 3rd respondent the Vadipatti Tahsildar passed an order dated 01.11.2024, granting permission to the respondents to worship the Muthmmal deity along with the petitioner in the petition property. Thus there was no prima facie case and no cause of action was present to file the main suit. Therefore this petition filed only to delay the suit proceedings. Thus the petition is liable to be dismissed.



4. The petitioner filed 4 documents on his side. The respondents filed 6 documents on their side in this proceeding.

5. **THE POINT FOR CONSIDERATION IS THAT:** Whether the petition is liable to be allowed or not?

i. Heard both sides and records perused. The petitioner had filed the main suit seeking the relief of permanent injunction. This petition was filed for temporary injunction to restrain the respondents from disturbing the petition temple till disposal of main suit. The case of the petitioner was that the petition property only belong to the petitioner and the Arunthathiyar village people and the respondents being the adjacent land owners to the petition property had prevented this petitioner and the village people from worshipping the deity in the petition temple and also prevented from conducting Kumbabhishekam in the petition property. On the other hand, the respondents deny the petition by stating that the petitioner only made interruption to the respondents from entering into the petition property and prevent these respondents from worshipping the deity in the petition property.

ii. The petitioner filed 4 documents on his side, among these documents; 1. FIR No.220, 2. FIR No.221, 3. Order passed by the Hon'ble Madurai Bench of Madras High Court in W.P. (MD.) No.21155/2024 and 4. Photograph of the petition property. On the other hand, the respondents filed 6 documents to substantiate their case, among these documents; 1. Notice dated 30.10.2024, 2. Complaint to the police by the respondents, 3. Complaint to the police by the respondents, 4. Photographs of the respondents property, 5. Order passed by the Hon'ble Madurai Bench of Madras High Court in W.P. (MD.) No.12462/2025 and 6. Order passed by the Hon'ble Madurai Bench of Madras High Court in W.P.CrI(MD). No.152/2025 and W.P. M.P.(MD) No.40/2025.



iii. Regarding the relief of temporary injunction our Hon'ble High Court in **Ms. Archana Bansal vs. NEPC India Limited and Another, (2007) 6 MLJ 648** has held that,

"12. Grant or refusal of temporary injunction is subject to the following principles:

(a) *Prima facie case of plaintiffs legal right*

(b) *Balance of convenience in his favour*

(c) *Whether he would suffer irreparable injury if injunction is not granted.*

These conditions have to be satisfied and proof of any of them is not by itself sufficient to obtain a temporary injunction. Prima facie case means that there exists a strong probability that the petitioner has an ultimate chance of success in the Suit. Balance of convenience is the principle by which the Court weighs and balance the mischief or inconvenience to either side. Irreparable injury means a substantial injury which cannot be adequately compensated for in damages."

Thus as directed by our Hon'ble High Court, to obtain the relief of temporary injunction, the petitioner must prove all the above mentioned principles, that he has prima facie case, balance of inconvenience and not granting temporary injunction would result him irreparable loss and injury.

iv. As this petition is for temporary injunction, the prima facie case of petitioners' legal right needs to be proved. The petitioner had pleaded as the petitioner and the village people had the right to worship in the petition property but the respondent though was allowed to worship the deity in the petition property, has made continuous disturbance to the petitioner to conduct Kumbabhisekam in the petition property. On the other hand, the respondents had denied the contention of the petitioner by alleging that the respondents also have the rights to worship the deity in the petition property but the petitioner prevent the respondent from entering into the petition property. In such scenario, as the petitioner's claim was entirely denied by the respondents, the burden of proof is on the petitioner to prove his contentions. The petitioner let in evidence to substantiate his case. From perusal of the documents 1 and 2 let in by the petitioner would only shows the complaints made by the petitioner against the



respondents and doc no.3 order passed by the Hon'ble Madurai Bench of Madras High Court by allowing the petitioner to celebrate the Kumbabhisekam in the petition property and doc. no.4 shows the photographs of the petition property. Perusal of the petitioner side documents do not show any prima facie right of the petitioner in the suit property. On the other hand the respondents filed documents to substantiate their case. From perusal of the documents on the side of the respondents, doc.no.1 notice dated 30.10.2024 – shows that proceeding was concluded by the Tahsildar to permit the respondents to worship the temple. The doc nos.2 and 3 were the complaints made by the respondents against the petitioner, doc. 4 – petition photograph, doc nos.5 – order in W.P. (MD.) No.12462/2025 was passed by the Hon'ble Madurai Bench of Madras High Court by instructing the 2nd respondent / The Inspector of Police, Alanganallur to conduct enquiry upon the petitioner's representation dated 14.04.2025 and doc. no.6 order in W.P. CrI. (MD). No.152/2025 and W.P. M.P.(MD) No.40/2025 passed by the Hon'ble Madurai Bench of Madras High Court shows that the 1st respondent filed the petition by adding the petitioner as a party to that petition and order was also passed by permitting the 1st respondent to offer his prayer during the temple festival in the petition property. Thereby the document no.6 shows that the respondents also got permission from Hon'ble High Court to worship the deity in the petition property.

v. From perusal of the above documents it is found by this court that, the petitioner did not prove his prima facie right in the petition property. In such circumstance this court can not find balance of inconvenience and irreparable loss to the petitioner. Thus, applying the above dictum in the case on hand and from the foregoing discussions, it can be seen that the petitioner has not established the prima facie case, balance of inconvenience and irreparable loss exist in his favour. To obtain the relief of temporary injunction, the petitioner must prove the principles laid down by our Hon'ble High Court, in this petition the petitioner had not proved the presence of prima facie case, balance of inconvenience and not granting temporary injunction would result irreparable loss and injury. Hence, temporary injunction would be not be granted against the respondent till disposal of the main suit.



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

Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 08th day of October 2025.

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Vadipatti.

Petitioner side evidence : Nil

Petitioner side documents :

1.	FIR No.220
2.	FIR No.221
3.	Order passed by the Hon'ble Madurai Bench of Madras High Court in W.P. (MD.) No.21155/2024
4.	Photograph of the petition property

Respondents side evidence : Nil

Respondents side documents :

1.	Notice dated 30.10.2024
2.	Complaint to the police by the respondents
3.	Complaint to the police by the respondents
4.	Photographs of the respondents property
5.	Order passed by the Hon'ble Madurai Bench of Madras High Court in W.P. (MD.) No.12462/2025
6.	Order passed by the Hon'ble Madurai Bench of Madras High Court in W.P. CrI(MD). No.152/2025 and W.P. M.P.(MD) No.40/2025

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