



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 10th day of February 2026

CNR No. TNMD190000592025

IA. No.02/2025

In

O.S. No.58 / 2025

S. Chinnammal,

W/o. Selvaraj

---- Petitioner / Plaintiff

//Versus//

1. N. Alagupandi,

S/o. Nanniyaan

2. M. Alagar,

S/o. Muthukaruppan

3. D. Andichi,

W/o. Dhanapandi

4. Mayakannan,

S/o. Pandi

---- Respondents / Defendants

This petition was filed before this Court on 17.04.2025 coming before me for final hearing on 10.02.2026. Advocate Thiru. P. Sivaram appeared for the Petitioner / Plaintiff. Advocate Thiru. Velayutham appeared for R1, R2 and R4. R3 set ex-parte on 31.07.2025. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....



ORDER

1. The petitioner had filed this petition under Order XXXIX Rule 1 & 2 of CPC.

2. **Petitioner averments in brief:**

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 petition property was the ancestral property, belonged to the petitioner's grandmother one Palaniammal @ Marikolundhu, it devolved upon the petitioner's father one Gurusamy after death of the said Palaniammal. Later the petitioner inherited the property, after demise of her father Gurusamy and it was in possession of the petitioner. Being so, the respondents without any title and possession over the petition property, deny the title of the petitioner and prevented the petitioner from mutating the revenue records in respect of the petition property. Thereby the petitioner filed this suit and this petition was filed seeking temporary injunction.

3. **Counter averments in brief (Written statement adopted as counter):**

The respondents denied all the averments of the petition and contended that the petition schedule property originally purchased by the respondent's father one Alagan Samban from one Palamarudhu Samban. Later the property devolved upon the respondents after demise of their father. Further the petitioner unlawfully attempted to mutate the revenue records in respect of the petition property by taking advantage of the mistake in UDR. Also this petitioner had executed a sale deeds for the petition property during the pendency of this suit. Hence there was no cause of action to file this suit and thus this petition is liable to be dismissed.

4. The petitioner to prove her case had marked 12 documents in support of her claim. The respondents to prove their had marked 2 documents to prove their case.



Fair Order / ~~Draft Order~~

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

i. The petitioner had filed the main suit seeking the relief of permanent injunction. This petition was filed for temporary injunction to restrain the respondents and their men from disturbing the petitioner's enjoyment in the petition property, till disposal of main suit. The case of the petitioner was that the respondents prevented the petitioner from mutating the revenue records with respect to the petition property. On the other hand, the respondents opposed the contention of the petitioner and further deny the title and possession of the petitioner in the petition property and claimed the title of the property.

ii. The learned counsel for the petitioner submitted that the petitioner has been in continuous possession of the petition property, the respondents deny the title of the property by claiming right over the property. It was further contended that, despite such possession, the respondents denied the petitioner's title and approached the revenue authorities by filing their objections and prevented the petitioner from transferring the patta in her favour with respect to the petition property. On the other hand, the learned counsel appearing for the respondents denied the petitioner's claim and contended that the disputed property previously purchased by their father and it was in possession and enjoyment of the respondents, after demise of their father by inheritance. Hence the petitioner cannot claim either title or possession over the said property.

iii. The petitioner marked 12 documents on her side; Ex.P.1 was the Death Certificate of Gurusamy, Ex.P.2 was the Death Certificate of Pappu, Ex.P.3 was the Patta no.275, Ex.P.4 was the 'A' Register, Ex.P.5 was the Adangal, Ex.P.6 was the Legal Heir Certificate of Arumugam, Ex.P.7 was the Legal notice dated 08.04.2025, Ex.P.8 was the Memorandum of Revenue Divisional Officer, Melur, dated 29.04.2025, Ex.P.9 was the Memorandum of Vadipatti Tahsildar, dated 17.07.2025, Ex.P.10 was the Photographs, Ex.P.11 was the CSR Receipt dated 08.09.2025 and Ex.P.12 was the Chitta. The respondents marked 2 documents on their side; Ex.R.1 was the Sale deed dated 21.07.2025 and Ex.R.2 was the 'A' Register.



Fair Order / ~~Draft Order~~

iv. Regarding the relief of temporary injunction our Hon'ble High Court in **Ms. Archana Bansal vs. NEPC India Limited, (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 petitioners 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 balances 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 petitioners must prove all the above mentioned principles, that she has prima facie case, balance of inconvenience and not granting temporary injunction would result in her irreparable loss and injury.

v. As this petition is for temporary injunction, the prima facie case of petitioner's needs to be proved. The petitioner had pleaded that the petition property belongs to the petitioner by inheritance and the respondents claimed the title of the property as the heirs of the petitioner's grandmother and prevented this petitioner from mutating the revenue records in respect of the petition property. To substantiate her case the petitioner had let in 12 documents. From such documents Ex.P.3 - patta no.275 was issued in respect of the petition property, disclose that the petition property was in the name of Palaniammal @ Marikolundhu in the revenue records. Ex.P.6 shows the relation between the late. Gurusamy and the petitioner, Ex.P.8 was the Memorandum of Revenue Divisional Officer, Melur, dated 29.04.2025, Ex.P.9 was the Memorandum of Vadipatti Tahsildar, dated 17.07.2025, shows that the revenue authorities ordered to issue patta in respect of the petition property in favour of the petitioner. Ex.P.11 was the CSR Receipt dated 08.09.2025 shows that respondents made complaint against the



Fair Order / ~~Draft Order~~

petitioner as she created problem in the petition property and Ex.P.12 was the Chitta in the name of Palaniammal. On the other hand, the respondent filed 2 documents, Ex.R.1 was the sale deed discloses that the petitioner sold the properties in S.Nos.66/4A and 66/5B to one Karthick. Ex.R.2 – Adangal shows that the properties in S.No.66 / 41A and 66 / 51A were in possession of the Balamaruthasamban - the grandfather of the respondents.

vi. On appreciation of the documents let in by both sides, this court is of the view that both the parties claimed to be in possession of the petition property. As the respondents had denied the right of the petitioner in the petition property by claiming title and possession, the burden is upon the petitioner to prove the same. To prove her case the petitioner filed patta and adangal but those stand in the name of Palaniammal @ Marikolundhu. On the other, the hand to disprove the contention of the petitioner, the respondent had filed Ex.R.1 – sale deed shows that the petition properties were sold by the petitioner to a third party. Hence this court can find that the petitioner did not let in any evidence to prove her present possession in the petition property in this proceeding. Also the Ex.R.1 sale deed shows as the petitioner had alienated the suit property. It was not disclosed before this court. Hence in spite of Ex.R1 sale deed, the petitioner do not have any prima facie case in this petition.

vii. Further the petitioner had not pleaded and did not let in any evidence to substantiate her pleadings, to show that balance of inconvenience exist and irreparable loss to the petitioner. Hence, injunction would not be granted.

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 10th day of February 2026.

District Munsif,
Vadipatti.

1. Petitioner side witness : Nil



Fair Order / Draft Order

2. Petitioner side documents:

Ex.P.1	Death Certificate of Gurusamy
Ex.P.2	Death Certificate of Pappu
Ex.P.3	Patta no.275
Ex.P.4	'A' Register
Ex.P.5	Adangal
Ex.P.6	Legal Heir Certificate of Arumugam
Ex.P.7	Legal notice dated 08.04.2025
Ex.P.8	Memorandum of Revenue Divisional Officer, Melur, dated 29.04.2025
Ex.P.9	Memorandum of Vadipatti Tahsildar, dated 17.07.2025
Ex.P.10	Photographs
Ex.P.11	CSR Reciept dated 08.09.2025
Ex.P.12	Chitta

3. Respondents side witness: Nil

4. Respondents side documents :

Ex.R.1	Sale deed dated 21.07.2025
Ex.R.2	'A' Register

District Munsif,
Vadipatti.



Fair Order / ~~Draft Order~~

DISTRICT MUNSIF COURT

Vadipatti

Fair Order/~~Draft Order~~

IA. No.2/2025

In

O.S. No.58/2025

Date : 10.02.2026