

**IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.****Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)**

District Munisf, Vadipatti

**Dated this the 05<sup>th</sup> day of April 2025****IA. No.220 / 2019****In****O.S. No.31 /2019**

\*\*\*\*\*

K. Rajendran,

S/o. Karuppaiah Servai

**---- *Petitioner / Plaintiff******//Versus//***

1. S. Parvadhham,  
W/o. Sandhanam
2. S. Murugesh,  
S/o. Sandhanam
3. M. Amudhan,  
S/o. Muniyan
4. M. Manoharan,  
S/o. Muthukaruppan

**---- *Respondents / Defendants***

This petition was filed before this Court on 29.04.2019 coming before me for final hearing on 05.04.2025, Advocate Thiru. G. Balasubramanian appeared for Petitioner / Plaintiff, Advocate Thiru. S. Ghousekhan appeared for R1 and R2 / D1 and D2 and Advocate Thiru. I. Sivananthan appeared for R3 and R4 / D3 and D4. 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 C.P.C. 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 peaceful possession and enjoyment of the petition property pending disposal of the suit.

**2. GIST OF THE PETITION:**

The petitioner was the plaintiff in the main suit. The main suit filed for Specific Performance and Consequential Injunction. The relevant portion of the petition in brief was that, the petition property was the ancestral property, belonged to one Rajamani Konar it devolved upon the 1, 2 respondents by inheritance after the death of Rajamani Konar. Then the petitioner and the 1, 2 respondents entered into an oral agreement and executed a unregistered sale agreement on 12.03.2018 for a sum of Rs.95,000/- in respect of the petition property and the petitioner paid Rs. 70,000/- and the possession was handed over to the petitioner. Wherein, a portion of the petition property was rented out to one Kannamani @ Muthusamy for Rs.200/- per month by the respondents and it was continued by this petitioner. Later the respondents 1 and 2 refused to receive the balance amount of Rs.25,000/- as per the unregistered sale agreement and refused to execute the registered sale deed in favour of this petitioner. In such circumstances, from 19.03.2019 the respondents were disturbing the petitioner's possession in the property by making conflicts with the tenant Kannamani @ Muthusamy and also threatened this petitioner. Thus the petitioner sent a legal notice to the 1<sup>st</sup> and 2<sup>nd</sup> respondent. But the 1 and 2 respondents did not take any steps to execute sale deed based on the unregistered sale agreement and was continuously disturbing the petitioner's enjoyment in the schedule mentioned property. Hence, the petitioner filed this suit and this petition was filed seeking temporary injunction.

**3. GIST OF THE COUNTER OF THE RESPONDENTS: (Written statement of D1 & D2 adopted as counter of R1 & R2)**

- i) In the written statement, the 1<sup>st</sup> and 2<sup>nd</sup> respondent admitted the contention of the petitioner and agreed to execute the registered sale deed in favour of the petitioner and pleaded that due to delay in receiving the revenue documents from the District Revenue Office, Madurai, this respondents were not able to execute the registered sale deed in respect of the petition schedule mentioned property. But they denied they did not cause any disturbance in the property as alleged in the petition.
- ii) On the other hand, the respondents 3 and 4 denied all the facts in the petition and contended that the petition property was not belonged to the 1 and 2 respondents. The property was the Government wasteland, which was allotted to Adidravida people and a temple was constructed in the northern side of the property by the Adidravida people of Ayyankottai. Further the petitioner colluded with the 1, 2 respondents, stake a claim to the petition property illegally. Thus the petition is liable to be dismissed.

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

- i. Records perused. The petitioner had filed the main suit seeking permanent injunction. This petition is filed for temporary injunction to restrain the respondents and their men from disturbing the plaintiff's enjoyment in petition property. The case of the petitioner was that the possession of the petition schedule mentioned property was already handed over by the 1<sup>st</sup> and 2<sup>nd</sup> respondents to the petitioner. But the 1<sup>st</sup> and 2<sup>nd</sup> respondents colluded with 3<sup>rd</sup> and 4<sup>th</sup> respondents and they were unlawfully trying to disturb the petitioner's possession in the property for the conflicts with the tenant Kannamani residing in the petition property.

ii) On the other hand, the 1<sup>st</sup> and 2<sup>nd</sup> respondents deny that no disturbance was caused by them to the petitioners possession in the petition property and admitted to executed registered sale deed, in favour of the petitioner as per the sale agreement dated 12.03.2018. But the 3<sup>rd</sup> and 4<sup>th</sup> respondents pleaded that the petitioner colluded with the respondents 1 and 2 claiming the title over the petition property. Whereas the property was allotted to adidravida people of Ayyankottai under the Government UDR plan and a temple was constructed in the petition property.

iii. The petitioner had filed 31 documents on their side, marked as Ex.P.1 to 31, among these documents; Ex.P.1 was the unregistered sale deed dated 12.03.2018, Ex.P.2 was the A-register extract, Ex.P.3 was the rental agreement dated 12.03.2018, Ex.P.4 was the rent entry note, Ex.P.5 was the photographs with compact disk, Ex.P.6 was the Legal notice dated 20.03.2019, Ex.P.7 was the postal receipts, Ex.P.8 and 9 were the acknowledgment cards from 1<sup>st</sup> and 2<sup>nd</sup> respondents, Ex.P.10 was the reply notice to the petitioner by R1 and R2, Ex.P.11 to 14 were the Adangal extracts, Ex.P.15 was the petition to the District Collector, Madurai with AD cards, Ex.P.16 was the memorandum of Tahsildar, Vadipatti, dated 07.05.2019, Ex.P.17 was the Letter of Public Information Officer/Deputy Tahsildar dated 30.05.2019, Ex.P.18 was the complaint to the police, Ex.P.19 was the photographs, Ex.P.20 was the CSR Receipt, Ex.P.21 was the Complaint to the Police dated 06.09.2022, Ex.P.22 was the photocopies, Ex.P.23 was the CSR Receipt, Ex.P.24 was the complaint to the police dated 09.12.2022, Ex.P.25 was the CSR Receipt, Ex.P.26 was the photocopies, Ex.P.27 was the petition to the District Collector, Madurai & to Divisional revenue officer, Ex.P.28 was the postal receipts, Ex.P.29 was the order of Assistant Director (Panchayat) to the Block Development Officer, Vadipatti, Ex.P.30 was the legal notice dated 21.12.2022, Ex.P.31 was the photocopies

iv. 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.

v. As this petition is for temporary injunction, the prima facie case needs to be proved. To prove the prima facie case the petitioner had filed documents;

i. Ex.P.1 unregistered sale agreement in the name of the petitioner and pleaded that the petitioner is in possession of the property and the respondents are trying to disturb the petitioner's possession in her property. On the other hand, the 1 and 2 respondents admit the possession but deny that they did not cause any disturbance to the petition property. The 3 and 4 respondents deny the petition facts, further pleaded that they did not made any disturbance and the petitioner colluded with 1, 2 respondents and she was trying to encroach the Government wasteland allotted to the adidravidar people.

vi. From the above discussion, it is observed by this court that the petitioner and the 3<sup>rd</sup> and 4<sup>th</sup> respondents were denying the title and the possession of the petitioner in the petition property. In such circumstances, to prove the claim of the petition the petitioner had filed a unregistered sale agreement in his name, to prove that he is in possession and enjoyment of the petition property. But the 3, 4 respondents did not file any documents to prove their

case. However the unregistered agreement cannot be considered as a valid document to arrive at the conclusion for prima facie case of the petitioner. Further the petitioner pleaded that the balance of inconvenience is in his favour and pleaded that the respondents were trying to disturb the petitioner's possession.

vii. To prove the petitioner's balance of inconvenience and irreparable loss the petitioner had filed Ex.P.5 to Ex.P.31 but the documents regarding the occurrence that occurred after filing this petition but not for the disturbance as pleaded in the petition. On the other hand, the 3, 4 respondents deny the petitioner's contention and pleaded that the land was Government wasteland and not belong to the 1, 2 respondents. But no documents were filed by the 3, 4 respondents. But, the petitioner did not file any document in this proceeding to show the disturbance of the respondents in the petition property as pleaded in the petition. Hence prima facie case did not arise in this petition. Further it is the duty of the plaintiff to show the balance of inconvenience and irreparable loss. As already mentioned, the petitioner had pleaded that the respondent was trying to disturb the petition property. But no relevant document was filed to prove the petition pleading. However the main case of petitioner's possession and disturbance caused in the petition property can only be decided after examining both parties by evidence. In such case, this court cannot find balance of inconvenience and irreparable loss to the petitioner, to grant temporary relief. Hence granting temporary injunction is not necessary in this case.

**5. 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 the 05<sup>th</sup> day of April 2025.*

District Munsif,  
Vadipatti.

**Petitioner side evidence and documents: Nil****Petitioner side documents:**

Ex.P.1	Unregistered Sale agreement dated 12.03.2018
Ex.P.2	A-register extract
Ex.P.3	Rental agreement dated 12.03.2018
Ex.P.4	Rent entry note
Ex.P.5	Photographs with compact disk
Ex.P.6	Legal notice dated 20.03.2019
Ex.P.7	Postal receipts
Ex.P.8	Acknowledgment card from 1 <sup>st</sup> respondent
Ex.P.9	Acknowledgment card from 2 <sup>nd</sup> respondent
Ex.P.10	Reply notice to the petitioner by R1 and R2
Ex.P.11	Adangal extract
Ex.P.12	Adangal extract
Ex.P.13	Adangal extract
Ex.P.14	Adangal extract
Ex.P.15	Petition to the district collector, madurai with AD cards
Ex.P.16	Memorandum of Tahsildar, Vadipatti, dated 07.05.2019
Ex.P.17	Letter of Public Information Officer/Deputy Tahsildar dated 30.05.2019
Ex.P.18	Complaint to the Police
Ex.P.19	Photographs
Ex.P.20	CSR Receipt
Ex.P.21	Complaint to the Police dated 06.09.2022

Ex.P.22	Photocopies
Ex.P.23	CSR Receipt
Ex.P.24	Complaint to the Police dated 09.12.2022
Ex.P.25	CSR Receipt
Ex.P.26	Photocopies
Ex.P.27	Petition to the district collector, madurai & to Divisional revenue officer
Ex.P.28	Postal receipts
Ex.P.29	Order of Assistant director (Panchayat) to the Block Development Officer, Vadipatti
Ex.P.30	Legal notice dated 21.12.2022
Ex.P.31	Photocopies

**Respondents side evidence and documents: Nil**

District Munsif,  
Vadipatti.

DISTRICT MUNSIF COURT

Vadipatti

*Fair Order/~~Draft Order~~*

*IA. No.220/2019*

*In*

*O.S. No.31/2019*

**Date : 05.04.2025**