

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 06th day of August 2025**CNR No. TNMD190000872024****IA. No.03/ 2024****In****O.S. No.56/2024**

1. Nagathevan,
S/o. Muthuthevar
2. Ramesh,
S/o. Nagathevan
3. Logumani,
S/o. Nagathevan
4. Vetri Selvan,
S/o. Nagathevan

---- Petitioners / Plaintiffs

//Versus//

1. N. Karnan,
S/o. Nalluthevar
2. R. Mayan,
S/o. Rajangam

---- Respondent / Defendant

This petition was filed before this Court on 18.07.2024 coming before me for final hearing on 06.08.2025, Advocate Thiru. M. Muthupandi appeared for Petitioner / Plaintiff. Advocate Thiru. A.K. Nagarajan appeared for 1st Respondent / 1st Defendant. Advocate Thiru. P. Chandramohan appeared for R2/D2. 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 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. **Petitioner averments in brief:**

The relevant portion of the petition was that the petitioners were the plaintiffs in the main suit, The main suit was filed for permanent injunction. The petition contention was that the petition properties were the agricultural properties purchased by the 1st petitioner in the name of his wife Sakkaraiammal on 24.03.2008. Later the said Sakkaraiammal died on 28.02.2021. Thus the property belong to the said Sakkaraiammal devolved upon the petitioners by inheritance and patta no.754 was also issued in favour of the petitioners. Being so, the 2nd respondent was the adjacent land owner of the suit property had approached the petitioners to sell the petition property. As the petitioner refused to sell the petition property, the 2nd respondent colluded with the 1st respondent came to the suit property with JCB, blocked the stream in the suit property and also tried to encroach the petition property by threatening the petitioners with rowdy elements on 18.06.2024. It was informed to the police. But the police refused to get the complaint as this was the civil issue. Hence to get remedy for the above issue, the petitioner had filed this suit for permanent injunction and this petition was filed seeking the relief of temporary injunction.

3. **Counter averments in brief:**

In the counter the respondents denied all averments in the petition and stated that the petition properties were not purchased by the 1st petitioner in the name of Sakkaraiammal. Further the petitioner had filed this petition with false facts and unlawfully claimed the right over the title of the petition property by showing incorrect four boundaries for the petition property. Thus there was no prima facie in this case and cause of action was not arise in the main suit. No disturbance was caused by the respondents to the petitioners. Thus the petition filed only to delay the suit proceedings with false facts and liable to be dismissed.

4. Both side parties did not let in any evidence.

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 and their men from disturbing the plaintiff's enjoyment in petition property till disposal of main suit. The case of the petitioner was that he is at present possession of the petition property and the respondent was trying to disturb the possession of the petition property. The respondent deny the petition by stating the petitioners did not try to disturb the possession of the petitioners' in the petition property.

ii. 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.

iii. As this petition is for temporary injunction, the prima facie case of petitioners' legal right needs to be proved. The petitioner had pleaded as he was in possession of the petition properties. On the other hand the respondent had denied the petitioners possession in the petition property. As the respondent had denied the petitioners possession, the petitioner ought to have produced any documents regarding possession. But both parties did not let in any evidence in this proceeding. The petitioner had not adduced any evidence to establish the prima facie case in this petition. Thereby the claim of the petitioner as that he was in present possession and enjoyment of the petition property remains unproved. Thus the petitioner has not proved that the petition property was in possession of the petitioner and his family. On the other hand, the respondent challenged the petition by refusing the title and possession of petitioner in the petition property and alleged that the petitioners do not have right in respect of the petition property but these contentions can only be proved by letting in evidence. No such evidence was provided in this proceeding. In such scenario, this court is of the view that prima facie case did not exist in this petition.

iv. Further the petitioner had not pleaded and did not let in any evidence to substantiate his pleadings, to show that balance of inconvenience exist. Thus in such circumstance this court cannot find any balance of inconvenience in favour of the petitioner / plaintiff. Similarly, the petitioner had not let in any piece of evidence to show that if the injunction is not granted, it would cause irreparable loss to the petitioners. Thus, applying the above dictum in the case on hand and from the foregoing discussions, it can be seen that the petitioner had not established that 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, but the petitioner has not proved the presence of balance of inconvenience and not granting temporary injunction would result irreparable loss and injury. 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 06th day of August 2025.

District Munsif,
Vadipatti.

Petitioner side evidence and documents: Nil

Respondent side evidence and documents: Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT

Vadipatti

Fair Order/~~Draft Order~~

IA. No.03/2024

In

O.S. No.56/2024

Date : 06.08.2025