



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 31st day of October 2025

CNR No. TNMD190001922024

IA. No.2/2024

In

O.S. No.135/2024

1. M. Sundari,
W/o. Murugan

---- Petitioner / Plaintiff

//Versus//

1. M. Ilaiyaraja,
S/o. Muniyandi

---- Respondent / Defendant

This petition was filed before this Court on 13.11.2024 coming before me for final hearing on 31.10.2025, Advocate Thiru. M. Gokulnath appeared for the Petitioner / Plaintiff. Advocate Thiru. Karthick Kumar appeared for the Respondent / Defendant. 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 respondent, his men, agents or any other person acting under him from in any manner interfering with petitioner's enjoyment in the petition property, pending disposal of the suit.



2. **Petitioner averments in brief:**

The petitioner was the plaintiff in the main suit for permanent injunction. The petitioner claimed that the properties, originally belonging to Jeyakodi, were purchased by the petitioner and had been in their possession since. The respondent had disputed Jeyakodi's title and filed a petition before the DRO - Madurai, to cancel the patta. The DRO disposed of the petition, and the respondent did not file any appeal. Despite this, the respondent unlawfully disturbed the petitioner's possession, claiming title to the properties. The petitioner therefore filed the suit and this petition for a temporary injunction against the respondent.

3. **Counter averments of in brief:**

i. The respondent stated that he had no objection to the petitioner's possession of items 2 and 3 of the petition properties but denied other averments. The respondent claimed that the 1st schedule property belonged to his grandfather, Veeranan, and after Veeranan's death, it devolved upon his father, Muniyandi, who was in possession and had the patta in his name. After Muniyandi's death on 21.11.2015, the property devolved upon the respondent. Further the respondent alleged that the petitioner had fraudulently changed the patta in his name without the respondent's knowledge. The respondent contended that the suit lacked a valid cause of action and that the petition was filed only to delay the suit proceedings. Therefore, the petition was liable to be dismissed."

4. The petitioner to prove her case had filed 9 documents and further marked as Ex.P.1 to 9. On the other hand, the respondent to prove his case had filed 4 document and further marked as Ex.R.1 to 4.



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 respondent / defendant and his men from disturbing the plaintiffs peaceful enjoyment in petition property till disposal of main suit. The crux of the petitioner's case is that she purchased the entire properties mentioned in the schedule of the petition and has been in lawful possession. However, the respondent, without any right or title, claims ownership over the 1st schedule property. In contrast, the respondent disputes the petitioner's contention and claim title to the 1st schedule property alone but not disputing the petitioner's rights to the other properties.

ii. The petitioner to prove her case had filed 9 documents; Ex.P.1 and 2 - Sale deeds dated 14.14.2001 and 27.11.1996 in the name of Jeyakodi disclose that the petition properties were previously purchased by the vendor of the petitioner from one Jeyapandi and Gurusamy, Ex.P.3 - Sale deed dated 12.09.2022 in the name of petitioner shows that the petitioner at present purchased the petition properties from one Jeyakodi, Ex.P.4 - Patta No. 496 establishes that the petitioner is in possession of the petition properties, as evidenced by the patta document, Ex.P.5 and 6 - The house tax and electricity receipts proves the petitioner's possession and has made proper taxes for the petition properties, Ex.P.7 - Memorandum of divisional revenue officer, dated 06.08.2024 - clarifies that the disputed property and the 1st schedule property in the petition are not the same. Ex.P.8 and 9 - complaint to the police dated 14.09.2024 and CSR receipt shows the the disturbance caused by the respondent to the petitioner's possession. On the other hand, the respondent to prove his case had filed 4 document and further marked as Ex.R.1 to 4. Ex.R1 to R3, which includes house tax and property tax receipts, indicate that the respondent has paid taxes for



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the property bearing door no. 3/64. Additionally, Ex.R4, the Electricity Payment Card, shows that the respondent has an electricity connection (no. 05-160-002-1070) in his name, with records of electricity consumption for the property.

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 she had prima facie case, balance of inconvenience and not granting temporary injunction would result them 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 disputed 1st schedule property was purchased along with the other properties scheduled under the petition properties but the respondent had disputed the sale of the 1st schedule property by the plaintiff's previous vendor one Jeyakodi was invalid. The respondent contend as the 1st schedule property was in possession of the respondent by inheritance as it devolved upon him after death of his predecessors. As the respondent had denied the right of the petitioner over the 1st schedule



of the petition property, the petitioner bears the burden of proof. On considering both side evidence, the petitioner had marked 9 documents to substantiate her case. After careful consideration of the documents marked by the petitioners, it can be observed that Ex.P.1 and 2 confirms the petition properties were previously purchased by the petitioner's vendor – Jeyakodi from one Jeyapanid and Gurusamy. Ex.P.3 to 6 – sale deed, patta, house tax and electricity receipts proves that the petition properties were purchased by the petitioner from Jeyakodi and she was in lawful possession and enjoyment of the entire petition properties by paying proper taxes for the properties. Ex.P.7 - Memorandum of divisional revenue officer, dated 06.08.2024 - clarifies that the disputed property and the 1st schedule property in the petition are not the same. Ex.P.8 and 9 - police complaint dated 14.09.2024 and CSR receipt evidences the respondent's interference with the petitioner's possession.

v. On the other other hand, the respondent has marked 4 documents on his side as Ex.R.1 to 4, to disprove the petitioner's contention. On appreciation of the documents marked on the side of the respondent, it is observed that the Ex.R.1 to 3 - house tax and property tax receipts, indicate that the respondent has paid taxes for the property bearing door no. 3/64. In addition to that, Ex.R4 - the Electricity Payment Card, shows that the respondent has an electricity connection (no. 05-160-002-1070) in his name, with records of electricity consumption for the property. In view of the documents evidenced by the respondent that the Ex.R.1 to 3 (house tax and electricity receipts) were only resembles that the respondent paid taxes for the house property bearing Door no.3/64 and had electricity connection no. 05-160-002-1070, but the above receipts were not connected to the petition property. Thus these documents did not establish the lawful right, possession and enjoyment of the respondent in the 1st schedule property. Thereby the issues raised by the respondent, with regard to the possession of the 1st schedule property was not proved.

vi. Thus from perusal of the above documents it is found by this court that, the petitioner had proved her prima facie right in the petition properties. In such circumstance this court can find balance of inconvenience and irreparable loss to the petitioner, in the absence of



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interim order. Thus, applying the above dictum in the case on hand and from the foregoing discussions, it can be seen that the petitioner has established the prima facie case, balance of inconvenience and irreparable loss exist in her favour. Hence, temporary injunction would be granted against the respondent till disposal of the main suit.

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

Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 31st day of October 2025.

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Petitioner side evidence : Nil

Petitioner side documents:

Ex.P.1	Sale deed dated 14.14.2001 in the name of Jeyakodi
Ex.P.2	Sale deed dated 27.11.1996 in the name of Jeyakodi
Ex.P.3	Sale deed dated 12.09.2022 in the name of petitioner
Ex.P.4	Patta no.496 in the name of the petitioner
Ex.P.5	House tax receipt in the name of the petitioner
Ex.P.6	Electricity receipt in the name of the petitioner
Ex.P.7	Memorandum of divisional revenue officer, dated 06.08.2024
Ex.P.8	Complaint to the police dated 14.09.2024
Ex.P.9	CSR receipt dated 14.09.2024

Respondent side evidence : Nil

Respondent side documents :



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Ex.R.1	House tax receipt in the name of the respondent
Ex.R.2	Property tax receipt in the name of the respondent
Ex.R.3	Property tax receipt in the name of the respondent
Ex.R.4	Electricity Payment Card

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