

IN THE COURT OF THE SUBORDINATE JUDGE, MELUR.

Present: Tmt.M. SAMUNDEESWARI PRABHA, M.A., M.L.,

Thursday, the 20th day of November 2025

I.A.No.3/2025

in

O.S.No.179/2024

P.Banumathi Petitioner / 6th defendant

// Vs //

R.Rakkayee Respondent / Plaintiff

This petition is coming up on 22.09.2025 for final hearing before this court in the presence of Advocate.Thiru.A.Gopal, Adovate for the petitioner and Advocate.Thiru.M.Jeyaraman, Advocate for the respondent and upon hearing both side and on careful perusal of case records, documents and arguments on both sides and having stood over for consideration till this day, this court delivered the following :-

ORDER.

This petition has been filed Under Order 39 Rule 1 & 2 and section 151 of CPC pass an order of temporary injunction restraining the respondent/plaintiff and their men and agents from in anyway interfere

with the farming on the disputed properties and to that effect passing an order of Ad-interim injunction till the disposal of this petition.

1. Brief averments of the petition :-

(I) The petitioner herein is the 6th defendant in the main suit. The original suit has been filed for declaration and for permanent injunction. The petitioner has filed this petition to prevent the respondent/plaintiff or his agents from interfering with the petitioner enjoyment of the petition mention property. The petition property was inherited by one Mr.Maniyappa Konar. The respondent/plaintiff and the 2nd defendant got the petition property on the basis of being the heirs of Mr.Maniyappa Konar. The petitioner received the undivided portion of the petition in 1st item of the property from the 2nd defendant on 25.05.2022 and the respondent/plaintiff gave the inheritance to G.Muralikrishnan on 11.01.2021 and the petitioner has been farming the remaining portion based on her experience for the last four years.

(ii) On 11.01.2021, the petitioner received a sale deed from the 2nd defendant as an undivided portion of the petition mention 2nd item of the property, and she has been farming on the remaining portion for the last four years, excluding the portion held by the respondent/plaintiff in the experience. In that situation, the respondent/plaintiff and his men had been obstructing the petitioner's cultivation on the petition property last April and preventing him from harvesting the ears of corn that were to be harvested. In this regard, the petitioner filed a complaint against the respondent at the Chatrapatti police station. During the investigation based on that complaint, the respondent and her husband

raised the issue that the land should not be harvested because the property case was under investigation, citing the original case of this petition.

(iii) After that, the petitioner held a discussion at the police station and they told the respondent/plaintiff that he should harvest the ears that were currently ready for harvesting on a stamp paper worth Rs.100/- and then write to him that he should act according to the judgment of this original case in the future or that he should cultivate the petition property only after the petitioner get a court order. The petitioner has acquired the petition property from the 2nd respondent on a loan basis, transferred the name of the petitioner in the revenue documents, paid the tax dues properly and has been practicing agriculture for the past four years with possession and enjoyment of the suit property. The petitioner's prays pass an order of temporary injunction restraining the respondent/plaintiff and their men and agents from in anyway interfere with the farming on the disputed properties and to that effect passing an order of Ad-interim injunction till the disposal of this petition. Hence this petition has to be allowed.

2. Brief averments of the counter affidavit filed by the respondent/plaintiff :-

(I) The petition is false, frivolous, vexatious and not maintainable according to the law and on facts. The respondent admitted averments hereunder, all the other averments are denied and the petitioner put to strict proof of the same. Furthermore, after the death of her father Mr.Maniappakonar, the respondent and the 2nd defendant and her

mother Mrs.Rakammal experienced the claim properties as common family properties and on the basis of the verbal agreement between us, the respondent insisted that the claim 'B' schedule property should go to the 2nd defendant, so the 'B' schedule property was allotted to the 2nd defendant and the claim 'A' schedule property was allotted to the respondent and her mother Mrs.Rakammal on the condition that he should maintain her till the end. When the suit properties were so allotted verbally, the 2nd defendant's husband, the 1st defendant Mr.Meenakshi Sundaram, with a malicious intention to deceive the respondent, requested that the 2nd defendant should issue a sale deed in respect of the 'B' schedule property to her husband, the 1st defendant. Accordingly, the respondent and her mother Mrs.Rakkammal, in respect of the 'B' schedule property allotted to the 2nd defendant in the verbal agreement, On 13.05.1992, without receiving any payment, the 2nd defendant obtained the property in Schedule 'B' by registering the sale deed in the name of the 1st defendant.

(ii) Further, the respondent has acquired the 'A' Schedule properties in the suit and in respect of 1st item of the suit property, the respondent's mother Mrs.Rakkammal has transferred the property to G.Muralikrishnan through a registered mortgage deed dated 14.09.2016, and in respect of 2nd item of the suit property, the respondent and her mother Mrs.Rakkammal have transferred the property to Mrs.Kasiyammal through a mortgage deed dated 20.06.2017. Thus, the 'A' Schedule properties allocated to the respondent have been kept in the exclusive possession and enjoyment of the respondent till date.

(iii) Furthermore, in that situation, without changing the name with respect to the 'A' Schedule properties allotted to respondent, the 2nd defendant, taking advantage of the fact that it was in the name of her father Mr.Maniyappakonar, and with the evil intention of wanting a share in the 'A' Schedule properties again, filed a case in this court in OS.No. 375/2021 and the respondent also appeared in it and objected that the 'A' Schedule properties were properties that were assigned to the respondent separately. However, in respect of the 'A' Schedule properties, the 2nd defendant's maternal uncle's wife Poovalingam, without any nominal benefit to this petitioner/6th defendant Bhanumathi, fraudulently wrote a sale deed with respect to half of the 'A' Schedule properties before the aforesaid in OS.No. 375/2021 was duly adjudicated and awarded, as if the 2nd respondent had a share. The aforesaid sale deed is fraudulent. Further, there is an adverse inference that the 6th defendant was entitled to the suit properties since OS.No.375/2021 filed by the 2nd defendant was filed before the conclusion of the case, as if she had a half share in the suit 'A' schedule properties.

(iv) Further, the respondent currently enjoying of 'A' Schedule properties in her sole possession and enjoyment. In that situation, last year, when the land in 'A' Schedule properties was ready for ploughing and planting, this petitioner/6th defendant along with his assistants, especially Mr.Pandi son Karuppaiah belonging to the Scheduled Caste community of her village and unidentified persons belonging to the Scheduled Caste, planted the seedlings overnight. After that, when the

respondent asked how she planted saplings in the 'A' Schedule suit property, which was ploughed for planting, this petitioner/6th defendant, her husband Poovalingam, along with the above-mentioned Pandi son Karuppiah, a Scheduled Caste from her village, insulted the respondent beat and pushed the respondent down.

(v) Then, following the above Pandi's son Karuppiah saying that if he comes inside the 'A' Schedule property, he will file an untouchability atrocity case against the respondent and humiliate the respondent, she filed a complaint against this petitioner/6th defendant and her husband Poovalingam on 11.11.2024, 25.11.2024 and 16.12.2024 to the Madurai Superintendent of Police, Tamil Nadu Chief Minister's Special Cell, Director of Police (DGP), Southern Zone Police Chief, Madurai District Collector, Deputy Superintendent of Police and Inspector of Police. During the investigation based on that complaint, this petitioner/6th defendant, her husband Poovalingam and Pandi's son Karuppiah left a written statement at the police station on 06.01.2025 stating that they would not cause any trouble in the future. Thus, this petitioner/6th defendant claimed that they had created trouble through Pandi's son Karuppiah, a Scheduled Caste, in order to wrest the ownership of the Schedule 'A' properties from me and took action against me for untouchability.

(vi) Further, after that, when this petitioner/6th defendant filed a complaint against me again at the Chatrapatti Police Station and tried to take possession of the Schedule 'A' property from the respondent illegally, the Chatrapatti Police, who investigated the complaint, came to

know through investigation that the Schedule 'A' properties were from her possession and upon investigation with this petitioner/6th defendant, he himself admitted her possession and wrote on a stamp paper worth Rs. 100/- received in the name of the petitioner/6th defendant that he would seek redress through the civil court. Furthermore, knowing full well that the Schedule 'A' properties in the suit are derived from her possession and knowing that the Schedule 'A' properties were allotted to the respondent separately and that the respondent has been cultivating guava and coconut on them and gaining experience, he is illegally and fraudulently obtaining the loan from the 2nd defendant and is unnecessarily opposing the suit case. Further, a petition has already been filed seeking permanent injunction in the original suit and that petition has also been numbered I.A.No.2/2024 and is open for enquiry. In that situation, without conducting an inquiry into the said petition, the petitioner/6th defendant has filed this fresh petition and is unnecessarily delaying the suit. Hence this petition has to be dismissed with costs.

3. The point for consideration aroused is that:-

Whether the petition has to be allowed or not?

4. Point.

Both sides heard. Records perused. This petitioner is the 6th defendant in the main suit. She has allegedly purchase the suit property from the 2nd defendant Mrs.Muthulakshmi and 3 others by way of 2 sale deeds marked as Ex.P4 and Ex.P5 with respect to 'A' schedule properties. It has been stated that there was a oral partition between the

family and the 'B' schedule was allotted to the share of the 2nd defendant but she demanded to execute the sale deed in the name of the husband who is the 1st defendant Mr.Meenakshi Sundaram.

The 'A' schedule properties whether allotted to the share of the plaintiff or not to be proved only at the time of trial. The present petitioner has purchased by way of two sale deeds marked as Ex.P4 ('A' schedule) I item of properties and Ex.P5 ('A' schedule) II item of properties for value. She is third person and whether she is a bonafide purchaser or not to be revealed only at the time of trial. Hence the balance of convenience, irreparable loss and hardship and the prima facie case is on the side of the petitioner herein. Hence this court inclines to grant an ad interim injunction as against the plaintiff/respondent till the disposal of the suit.

5. Result:-

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

Dictated to the Steno - Typist, and typed by her in office computer, corrected and pronounced by me, this the 20th day of November 2025.

**Sub Judge,
Melur.**

Petitioner/6th defendant side witnesses :- Nil

Petitioner/6th defendant side Exhibits :-

Ex.P1 - Aadharcard of the petitioner Compared with

			Original
Ex.P2	23.01.2025	Patta in the name of the petitioner	Xerox copy
Ex.P3	11.02.2022	Sale deed (Respondent)	Certified Copy
Ex.P4	25.05.2022	Sale deed (Petitioner)	Certified Copy
Ex.P5	11.01.2021	Sale deed (Petitioner)	Certified Copy
Ex.P6	02.02.2025	Document produced at the police station	Xerox Copy

Respondent/plaintiff side witnesses :- Nil

Respondent/plaintiff side Exhibits :-

Ex.R1	11.11.2024	Complaint filed by the respondent/plaintiff with the Madurai District Superintendent of Police	Hand Copy
Ex.R2	25.11.2024	Complaint filed by the respondent/plaintiff with the Madurai District Superintendent of Police	Hand Copy
Ex.R3	16.12.2024	Complaint filed by the respondent/plaintiff with the Special Division of the Chief Minister of Tamil Nadu	Hand Copy
Ex.R4	16.12.2024	Complaint filed by the respondent/plaintiff with the Tamil Nadu Director General of Police (DGP)	Hand Copy
Ex.R5	16.12.2024	Complaint filed by the	Hand Copy

respondent/plaintiff with the Southern
Zone Inspector General of Police (IG)

Ex.R6 16.12.2024 Complaint filed by the Hand Copy
respondent/plaintiff with the Madurai
District Collector

Ex.R7 16.12.2024 Complaint filed by the Hand Copy
respondent/plaintiff with the Deputy
Commissioner of Police (DIG)

Ex.R8 16.12.2024 Complaint filed by the Hand Copy
respondent/plaintiff with the Deputy
Superintendent of Police,
Oomachikulam

Ex.R9 16.12.2024 Complaint filed by the Hand Copy
respondent/plaintiff with the
Chatrapati Police Inspector

Ex.R10 17.12.2024 Acknowledgement card for receipt of Original
complaint by the Chief Minister of
Tamil Nadu, Special Division

Ex.R11 17.12.2024 Acknowledgement card for receipt of Original
complaint by Tamil Nadu Police Chief
DGP

Ex.R12 17.12.2024 Acknowledgement card for receipt of Original
complaint from the Southern Police

District Inspector (IG)

Ex.R13 17.12.2024 Acknowledgement card for receipt of Original complaint by Deputy Commissioner of Police (DIG) Madurai

Ex.R14 17.12.2024 Acknowledgement card for receipt of Original complaint from Madurai District Collector

Ex.R15 17.12.2024 Acknowledgement card for receipt of Original complaint by the Deputy Superintendent of Police, Oomachikkulam

Ex.R16 17.12.2024 Madurai District Superintendent of Original Police's acknowledgement card for receipt of complaint

Ex.R17 17.12.2024 Acknowledgement card for receipt of Original complaint from the Inspector of Police, Chatrapatti

Ex.R18 25.11.2024 Complaint receipt issued by the Original Madurai District Superintendent of Police Office

Ex.R19 11.11.2024 Complaint receipt issued by the Original Madurai District Superintendent of Police Office

Ex.R20 06.01.2025 Written statement given at the Served Copy Chatrapatti Police Station by

Poovalingam, husband of the petitioner/6th defendant, stating that he would not cause trouble with the respondent/plaintiff.

Ex.R21 06.01.2025 Written statement given at the Sub Copy Chatrapatti Police Station by Pandi, the son of Pandi, Karuppiah, stating that he would not cause trouble with the respondent/plaintiff.

Ex.R22 02.02.2025 Affidavit given by the petitioner/6th Original defendant to the respondent/plaintiff stating that he will not enter the suit property and will comply with the court order.

Ex.R23 - Photos Original

Ex.R24 - Pen Drive Original

Ex.R25 04.11.1985 Registered sale deed written by Certified Copy Malaisamy to Maniyappa Konar

Ex.R26 08.11.2021 The original property of Computer Maniyappakonar, property number 2 Copy in the 'A' schedule property, is a computer patta in the name of this plaintiff and the 2nd defendant and his mother Rakammal

Ex.R27 23.03.1987 A registered sale deed written by Certified Copy

Kasikonar to Rakkammal

Ex.R28 13.05.1992 Registered sale deed given by this Certified Copy plaintiff and her mother Rakkammal to the 1st defendant Meenakshi Sundaram

Ex.R29 14.09.2016 Registered mortgage deed given by Certified Copy Rakkammal to G. Muralikrishnan

Ex.R30 20.06.2017 The lease deed written by this plaintiff Original and his mother Rakammal to R. Kasiyammal

Ex.R31 16.02.1987 The registered will written by Certified Copy Maniappakonar

Ex.R32 02.06.1989 The registered will cancellation deed of Certified Copy Maniappakonar's will dated 16.02.1987.

Ex.R33 11.02.2022 The registered sale deed written by the Certified Copy plaintiff to G. Muralikrishnan.

Ex.R34 - Plaint in OS.No.375/2021 Served Copy

Ex.R35 - Written statement in OS.No.375/2021 Office Copy

Ex.R36 11.01.2021 Registered sale deed given by the 1st to Certified Copy 5th defendants to the 6th defendant in respect of half of the land bounded by Survey No. 13/10.

Ex.R37 25.05.2022 Registered sale deed given by the 1st to Certified Copy

5th defendants to the 6th defendant in respect of half of the land bound by Survey No. 10/1A.

Ex.R38 26.12.2022 Petition filed by the plaintiff with the Office Copy Madurai District Registrar

Ex.R39 21.01.2022 The plaintiff filed a complaint against Office Copy the 2nd defendant at the Chatrapatti Police Station in Madurai District.

**Sub Judge,
Melur.**

**Fair/Draft Order
in
I.A.No.3/2025
in
O.S.No.179/2024
Dt : 20.11.2025
SubCourt,
Melur.**