

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, NAMAKKAL

Present: Thiru.R. Gurumurthy, B.Sc., B.L.,

Principal District Judge,

Namakkal.

Wednesday, the 4th day of March 2026

I.A. No. 7/2025 in O.S. No. 426/2022

Balakrishnan

.. Petitioner/Plaintiff

/vs/

1. Chinnapaiyan @ Sengoda Gounder (Died on 08.08.2024)
2. Subbulakshmi (Died on 07.10.2023)
3. Vinoth (Died on 24.07.2024)
4. Rajendran
5. Sornalatha

.. Respondents/Defendants

This petition came up for final hearing on 02.02.2026 before me in the presence of Thiru. J.K. Murugesan, counsel appearing for the petitioner and Thiru. R. Balakrishnan, counsel appearing for respondents 4 and 5; and respondents 1 to 3 having died, and upon hearing both sides and on perusal of case records this Court delivers the following:-

ORDER

This petition has been filed by the petitioner/plaintiff under Order XXXIX Rules 1 and 2 and Section 94 of the C.P.C., seeking to grant a temporary injunction restraining respondents 4 and 5/third parties or their men from in any way causing obstruction or hindrance to the enjoyment of the petitioner by cultivating the suit properties by raising crops, till the disposal of the suit.

2. Brief facts of the affidavit are as follows:-

The petitioner is the plaintiff in the suit. The 1st respondent is his father and the 2nd respondent is his sister. The suit has been filed by him seeking to declare the partition held between respondents 1 and 2 and the other purported sale deeds as null

and void, and he has also filed an application in I.A. No.2/2022 seeking to grant a temporary injunction against the respondents, restraining them from alienating or encumbering the suit properties including her 1/6th share. The suit properties are under the joint possession of the parties as co-sharers. In the meantime, the petitioner's father, the 1st respondent, died on 08.08.2024, and his sister, Subbulakshmi (the 2nd respondent), died on 07.10.2023. The husband of the 2nd respondent also predeceased her. Hence, their only son, namely Vinoth, was impleaded as the 3rd respondent in the suit as per the order passed in I.A. No.4/2024, and subsequently, he also died on 24.07.2024 due to ill-health. In the meantime, respondents 4 and 5/third parties have filed a petition in I.A. No.5/2025 (U/O.I Rule 10 CPC) to implead them in the suit, claiming that they had purchased a 2/3rd undivided share in the suit properties from defendants 1 and 3 on 18.06.2024 during the pendency of the suit, and the same was allowed on 24.03.2025. Subsequently, the petitioner took steps for amending the plaint in I.A. No.6/2025, which was allowed on 05.08.2025. After the demise of respondents 1 and 2 and the son of the 2nd respondent, the petitioner herself has been enjoying the suit properties solely by cultivating tapioca and groundnut crops. Under these circumstances, respondents 4 and 5 have been causing obstruction and hindrance to the enjoyment of the plaintiff in the suit property. Moreover, they had taken officers from Nallur Police Station on their side, harvested the crops using tractor, and ruined the same. Since there was inaction by the Kandhampalayam police on the complaint lodged by the petitioner, she approached the Deputy Superintendent of Police, Paramathy-Velur, and

thereafter, a case was booked based on the petitioner's complaint. In addition to that, respondents 4 and 5 have proclaimed that they will evict the petitioner from the suit properties forcibly by using their men and will take the entire suit properties into their possession and are attempting to achieve the same. The petitioner is unable to carry on agricultural activities in her ancestral properties due to the illegal acts of respondents 4 and 5. In fact, respondents 4 and 5 had grabbed the properties without valid consideration from respondents 1 and 3, who were ill and unconscious on the verge of their life. The sale consideration was fraudulently transferred to the relatives of respondents 4 and 5, and subsequently, received back by respondents 4 and 5 with the help of bank officials, after the demise of respondents 1 and 3. All the above-said acts happened two months prior to the deaths of respondents 1 and 3, who were unconscious during the relevant period of time. Respondents 4 and 5 are attempting to grab the suit properties from the petitioner and are causing obstruction to the possession and enjoyment of the petitioner. The prima facie case and balance of convenience lie in favour of the petitioner. Hence, the petition.

3. **Respondents 4 and 5 filed a Memo dated 20.01.2026, seeking to adopt their written statement as a counter to this petition. The brief facts of the written statement of respondents 4 and 5 are as follows:**

Item No.3 of the suit property belonged to late Ramasamy Gounder (the father of the 1st defendant) on the basis of possession and enjoyment and patta was issued in his favour under the Natham Nilavari Thittam Scheme. So, virtually, it is deemed to be the self acquired property of Ramasamy Gounder, and the same cannot be brought within the ancestral nucleus. The suit Item Nos.1 and 2 of the suit properties were

partitioned by a registered partition deed between Muthusamy Gounder (the brother of the 1st defendant) and the 1st defendant herein on 27.06.2011. So, virtually, the 1st and 2nd item of suit schedule properties are the self acquisitions of Muthusamy and Sengoda Gounder, and they cannot be christened as ancestral properties. So, the plaintiff has no right in the schedule properties till the lifetime of the 1st defendant and the 1st defendant is the absolute owner of the “B” schedule properties enumerated in the partition deed. The 1st defendant’s brother had executed a registered sale deed in favour of the 2nd defendant in respect of “A” scheduled properties in the partition deed. The plaintiff has no right in the schedule properties till the lifetime of the 1st defendant, and the 1st defendant is the absolute owner of the “B” schedule properties stated in the partition deed. The plaintiff is barred from seeking the reliefs of declaration and injunction. There cannot be a joint possession or constructive possession in the self acquisitions. The petition is liable to be dismissed.

4. **The Point for consideration is:**

Whether the petitioner has made out prima facie case and balance of convenience lies in his favour and whether the petitioner is entitled to a temporary injunction against respondents 4 and 5?

5. **During enquiry, Exs.P.1 to P.14 were marked and no oral evidence is adduced on the side of the petitioner. No oral or documentary evidence is adduced by respondents 4 and 5.**

6. **POINT:-**

Both sides heard. I have gone through the materials available on record.

7. The petitioner is the plaintiff, and respondents 1 and 2 are his father and sister, respectively. Originally, the suit was filed by the petitioner against respondents

1 and 2 alone for the following reliefs:

(a) to declare that the partition deed executed between the 1st defendant and his brother, viz., Late. Muthusamy, in respect of Item Nos.1 and 2 of the suit properties, dated 27.06.2011, and the consequent sale deed dated 28.06.2011 executed by Muthusamy in favour of the 2nd defendant are null and void, and to grant consequential injunction restraining defendants 1 and 2 from alienating or encumbering the suit properties based on the above said documents;

(b) to pass a preliminary decree for partition declaring the plaintiff's 1/6th share in the suit properties and its separate possession; and

(c) to declare that the separate sale deeds executed in favour of the 4th and 5th defendants dated 18.06.2024 respectively under Doc. Nos.2913/2024 and 2914/2024 are null and void.

Subsequent to the filing of the suit, the respondents 1 and 2 died, and the only legal heir of the 2nd respondent, namely Vinoth, was impleaded as 3rd defendant in the suit, who also died. Respondents 4 and 5 were impleaded as per order in I.A. No.5/2025 dated 24.03.2025, and they claimed that they are the purchasers of an undivided 2/3rd share in the suit properties. When the suit was posted for framing of issues, the petitioner/plaintiff came forward with the current petition seeking to grant a temporary injunction against respondents 4 and 5, claiming that the petitioner has been cultivating the suit properties by raising Tapioca and Groundnut crops; that on 11.08.2025, respondents 4 and 5 had harvested the crops using a tractor and ruined the same with the help of the officials from Nallur Police Station; that a police

complaint is pending with regard to the said incident; that respondents have proclaimed that they will forcibly evict the petitioner from the suit properties by using their henchmen and take possession of the entire suit properties; and that the petitioner has established a prima facie case and that the balance of convenience lies in his favour. The petitioner further submitted that if a temporary injunction is not passed, he will be put to irreparable loss and suffer hardship, and hence, he is constrained to file the present petition.

8. **Ex.P.1** is the Partition deed held between Sengoda Gounder and Late Muthusamy, dated 14.07.1950. **Ex.P.2** is the Sale deed stands in the name of Sengoda Gounder dated 26.05.1982. **Ex.P.3** is the Partition deed executed among Sengoda Gounder and his brother Muthusamy dated 27.06.2011. **Ex.P.4** is the Sale deed executed by Late. Muthusamy in favour of Subbulakshmi, the 2nd respondent, dated 28.06.2011. **Ex.P.5** is the Objection Petition issued by the petitioner to the Inspector General of Registration, Chennai and others, dated 11.10.2022. **Ex.P.6** is the Postal acknowledgement card of Sub-Registrar, Paramathy, dated 12.10.2022. **Ex.P.7** is the Natham Nilavari Thitta Thooya Chitta for the 3rd item of the suit property stands in the name of Perumayee, Muthusamy and Sengoda Gounder. **Ex.P.8** is the Computerized Patta for the 1st item of the suit property (5 Nos.), dated 02.11.2022. **Ex.P.9** is the computerized Patta for the 2nd item of the suit property (2 Nos.), dated 02.11.2022. **Ex.P.10** is the death certificate of Chinnammal, dated 14.06.2022 (D.O.D.23.05.2022). **Ex.P.11** is the Legal Heir Certificate of Chinnammal, dated 03.10.2022. **Ex.P.12** is the Sale deed stands in the name of

Rajendran, dated 18.06.2024. **Ex.P.13** is the Sale deed stands in the name of Sornalatha, dated 18.06.2024. **Ex.P.14** is the complaint lodged by the petitioner, dated 11.08.2025 to the Deputy Superintendent of Police, Paramathy-Velur, and a petition receipt in CSR No.0149/2025, issued by Nallur Police Station.

9. The learned counsel for respondents 4 and 5 submitted that Item No.3 of the suit property belonged to late Ramasamy Gounder (the father of the 1st defendant) on the basis of possession and enjoyment, and patta was issued in his favour under the Natham Nilavari Thittam Scheme. So, virtually, it is deemed to be the self-acquired property of Ramasamy Gounder and the same cannot be brought within the ancestral nucleus. The suit Item Nos.1 and 2 of the properties were partitioned by a registered partition deed between Muthusamy Gounder (the brother of the 1st defendant) and the 1st defendant herein on 27.06.2011. So, virtually, the 1st and 2nd item of suit schedule properties are the self acquisitions of Muthusamy and Sengoda Gounder, and they cannot be christened as ancestral properties. So, the plaintiff has no right in the schedule properties during the lifetime of the 1st defendant and the 1st defendant is the absolute owner of the “B” schedule properties enumerated in the partition deed. The 1st defendant’s brother executed a registered sale deed in favour of the 2nd defendant in respect of the “A” schedule properties mentioned in the partition deed, and therefore, the plaintiff has no right in the properties standing in the name of the 2nd defendant. The petition is liable to be dismissed.

10. The petitioner/plaintiff has filed this suit for partition claiming 1/6th share in the suit properties and also filed this petition seeking a temporary injunction

restraining respondents 4 and 5 from interfering with his peaceful possession and enjoyment of the petition mentioned properties by cultivating and raising crops in the petition mentioned properties.

11. According to the petitioner, he had been in joint possession and enjoyment of the petition-mentioned properties along with his father, Chinnapaiyan @ Sengoda Gounder, and his sister, Subbulakshmi, the deceased 1st and 2nd defendants in the suit, and respondents 4 and 5 have purchased the suit properties from the 1st defendant and 3rd defendant, who is the son of deceased 2nd defendant during the pendency of the suit, and hence, respondents 4 and 5 being the purchasers of undivided share during the pendency of the suit have no right to interfere with the possession of the petition mentioned properties by the petitioner as co-parcener.

12. The petitioner has stated in the plaint as well as in the petition that the 3rd item of the petition mentioned properties were assigned in favour of late Ramasamy Gounder, who is the father of the 1st defendant and the grandfather of the petitioner/plaintiff under 'Natham Nilavari Thittam Scheme' and subsequent to the death of the said Ramasamy Gounder, his wife, Perumayee, sons – late Muthusamy and Sengoda Gounder, the 1st defendant had succeeded the 3rd item of the suit property and they had been in joint possession and enjoyment by obtaining joint patta in their favour. The petitioner has produced Ex.P.7, Natham Nilavari Patta in respect of the 3rd item of the property as Doc.No.7, stand jointly in the name of Perumayee W/o. Ramasamy Gounder, and sons of Ramasamy Gounder, viz., Muthusamy and Sengoda Gounder, the 1st defendant herein. Since, the 3rd item of the suit property

was allotted to late Ramasamy Gounder under Natham Nilavari Scheme, the same can be treated only as a self-acquired property of Ramasamy Gounder. Admittedly, the other heirs of Ramasamy Gounder viz., Perumayee and Muthusamy had died intestate and 3rd item of the petition mentioned property was inherited by the 1st defendant, Sengoda Gounder as a legal heir of Perumayee and Muthusamy. Hence, the contention of the respondents 4 and 5 that the 3rd item of the suit property is not the ancestral property and the petitioner/plaintiff had no right in the said property during the lifetime of the 1st defendant can be sustained.

13. Further, it is not the case of the petitioner/plaintiff that respondents 4 and 5 have purchased 3rd item of the suit property from the deceased D.1 and D.3. It is seen from the sale deed executed by the deceased D.1 and D.3 in favour of the 4th and 5th defendant, which were marked as Ex.P.12 and Ex.P.13, that the 3rd item of the suit property which is a house property has not been included in the above-said sale deeds. Hence, the contention of the petitioner/plaintiff that respondents 4 and 5 who have no right or interest over the 3rd item of the suit property are interfering with his peaceful possession in the said 3rd item of the property cannot be sustained.

14. It is seen from Ex.P.1, that a partition took place between the sons of Sengoda Gounder viz., Mutha Gounder -(1), Palaniyappa Gounder -(2), and his grandsons through deceased son Rama Gounder, viz., Muthu and Sengodan, represented through their mother/guardian Perumayee Ammal, in which, "C" schedule property was allotted to minors Muthu and Sengodan, who is the 1st defendant herein. It is seen from Ex.P.2, the Sale deed that the 1st defendant had

purchased the property covered under the sale deed. It is seen from Ex.P.3, Partition deed that the properties covered under the partition deed under Ex.P.1 and Sale deed under Ex.P.2 were partitioned between the 1st defendant and his brother, Muthusamy, in which “B” schedule property was allotted to the 1st defendant, and “A” schedule property was allotted to his brother, Muthusamy. Ex.P.4, sale deed would show that the brother of the 1st defendant viz., Muthusamy had sold the “A” schedule property, allotted to him in the partition to the 2nd defendant, who is the daughter of the 1st defendant, viz., Subbulakshmi.

15. Admittedly, the 2nd defendant, Subbulakshmi died during the pendency of the suit and her only son Vinoth was impleaded as 3rd defendant in the suit. It is seen from Ex.P.12 and P.13 that the 3rd defendant has sold the properties purchased by his mother which was allotted to her vendor, Muthusamy, in the partition, to the 4th defendant, Rajendran, under Ex.P.12 and the 1st and 3rd defendants had jointly sold 2/3rd shares of the “B” schedule property allotted to the 1st defendant in the partition between himself and his brother Muthusamy to the 5th defendant/5th respondent. Though the petitioner/plaintiff has challenged the validity of the partition deed, dated 27.06.2011, the sale deed dated 28.06.2011 in favour of D.2 and the subsequent sale deeds in favour of R.4 and R.5 in the suit, the same can be decided only at the trial.

16. Though the petitioner/plaintiff has stated that he has been in exclusive possession and enjoyment of the suit properties after the demise of his father, the 1st defendant and his sister, the 2nd defendant, he has not produced any revenue records standing in his name to prove his exclusive or joint possession and enjoyment of the

petition mentioned properties. Patta to the 1st and 2nd item of the suit properties stood in the name of the 1st and 2nd defendant. It is revealed from Ex.P.14 that the petitioner/plaintiff has lodged a complaint against respondents 4 and 5 stating that they were trying to interfere with his peaceful possession and enjoyment by cultivating the land in S.F. No.270 of Sullipalayam Village, which is one item of the petition mentioned properties. The petitioner/plaintiff has not produced any document to show that he has been in possession and enjoyment of the entire Item No.1 and 2 of the petition mentioned properties and interference made by respondents 4 and 5 to his possession and enjoyment.

17. Hence, for all the reasons stated above, this court is of the view that the petitioner/plaintiff has failed to establish that he has been in exclusive possession and enjoyment of Item Nos.1 and 2 of the petition mentioned properties and the interference made by respondents 4 and 5 to his peaceful possession and enjoyment and therefore, this court is of the view that the petitioner/plaintiff has not made out prima facie case and the balance of convenience is also not lie in his favour and therefore, he is not entitled for temporary injunction as prayed for and thus, this point is answered accordingly.

18. In the result, this petition is dismissed.

Dictated to the Steno-typist, typed by him, corrected and pronounced by me in the open Court dated this the 4th day of March 2026.

Principal District Judge,
Namakkal.

Appendix:-

List of Witnesses examined on the side of the Petitioner : NIL

List of Witness examined on the side of the Respondent: NIL

List of Exhibits marked on the side of the petitioner:

Ex.P.1	14.07.1950	Partition deed held between (1) Mutha Gounder, (2) Palaniyappa Gounder, and (3) Late Rama Gounder's minor sons, Muthu and Sengodan, represented through their mother/guardian, Perumayammal (Regn. copy)
Ex.P.2	26.05.1982	Sale deed stands in the name of Sengoda Gounder (Regn.Copy)
Ex.P.3	27.06.2011	Partition deed executed among Sengoda Gounder and his brother Muthusamy (Regn. Copy)
Ex.P.4	28.06.2011	Sale deed executed by Late. Muthusamy in favour of Subbulakshmi, the 2 nd respondent (Regn. copy)
Ex.P.5	11.10.2022	Objection Petition issued by the petitioner to the Inspector General of Registration, Chennai and others (Hand copy)
Ex.P.6	12.10.2022	Postal acknowledgement card of Sub-Registrar, Paramathy (original)
Ex.P.7	--	Natham Nilavari Thitta Thooya Chitta for the 3 rd item of the suit property stands in the name of Perumayee, Muthusamy and Sengoda Gounder (True copy)
Ex.P.8	02.11.2022	Computerized Patta for the 1 st item of the suit property (5 Nos.), (online copy)
Ex.P.9	02.11.2022	Computerized Patta for the 2 nd item of the suit property (2 Nos.) (Online Copy)
Ex.P.10	14.06.2022	Death certificate of Chinnammal (D.O.D.23.05.2022) (Original)
Ex.P.11	03.10.2022	Legal Heir Certificate of Chinnammal (Online copy)
Ex.P.12	18.06.2024	Sale deed stands in the name of Rajendran (Regn. copy)
Ex.P.13	18.06.2024	Sale deed stands in the name of Sornalatha (Regn. copy)
Ex.P.14	11.08.2025	Complaint lodged by the petitioner, dated 11.08.2025 (Hand copy) to the Deputy Superintendent of Police, Paramathy-Velur, and a petition receipt in CSR No.0149/2025, issued by Nallur Police Station, dated 12.08.2025 (Original)

List of exhibits marked on the side of the Respondent:- NIL

Principal District Judge,
Namakkal.