

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,  
RAMANATHAPURAM.**

**PRESENT: Thiru.C.Mohanram, M.A., B.L.,  
Additional District Judge,  
Ramanathapuram.**

**Tuesday, the 17<sup>th</sup> day of February 2026**

**I.A. No. 11/2026  
in  
O.S. No. 38/2023**

Gnanasoundari

... Petitioner / Plaintiff

( Represented by her Power Agent Karthikeyan)

-vs-

1. Rani

2. Vanitha

... Respondents / Defendants

This petition came up on 05.02.2026 before this Court for final hearing in the presence of Thiru.B.Sundarrajan, Advocate for the Petitioner and Thiru.A.Ramalingam, Advocate for the Respondents and on hearing their arguments and upon perusal of petition, counter and case records, this Court delivers the following:

**ORDER**

Petition has been filed under Order 39 Rule 1 and 2 CPC by the petitioner / plaintiff for temporary injunction restraining the respondents / defendants and their men and agents not to encumber the suit properties till

the disposal of the suit by way of othi, sale and mortgage.

2. The suit has been filed by plaintiff through her Power Agent. The Power Agent for the petitioner / plaintiff in his affidavit has stated that the respondents / defendants are making attempts to alienate the suit properties claiming that the 1<sup>st</sup> respondent / 1<sup>st</sup> defendant is the wife of one Muniyasamy and 2<sup>nd</sup> respondent / 2<sup>nd</sup> defendant is the daughter born through said Muniyasamy and 1<sup>st</sup> respondent / 1<sup>st</sup> defendant.

3. It is the specific case of the petitioner / plaintiff that the 1<sup>st</sup> respondent / 1<sup>st</sup> defendant is not the wife of the said Muniyasamy and 2<sup>nd</sup> respondent / 2<sup>nd</sup> defendant is not the daughter born through the said Muniyasamy and 1<sup>st</sup> respondent / 1<sup>st</sup> defendant.

4. It is also the specific case of the petitioner / plaintiff that the said Muniyasamy is the brother of petitioner / plaintiff Tmt.Gnanasoundari and the said Muniyasamy died while he was working in abroad and he died as a bachelor leaving behind the petitioner / plaintiff as his only legal heir.

5. It is further case of the petitioner / plaintiff that the suit is at part heard stage. In the meanwhile, the respondents / defendants have mutated the Patta in their favour and the petitioner / plaintiff have filed the appeal before the RDO, Ramanathapuram and taking advantage of the mutation of Patta, the

respondents / defendants are making attempt to alienate the suit properties to 3<sup>rd</sup> parties. Unless the respondents / defendants are restrained by an order of temporary injunction, the petitioner / plaintiff would put into hardship and injury and if any alienation is made irreparable loss would be caused to her and balance of convenience is also in her favour.

6. The respondents / defendants in their counter have stated that the said Muniyasamy died in Riyath and his body was cremated after getting affidavit from the respondents / defendants as the respondents / defendants are wife and daughter of the said Muniyasamy. The 1<sup>st</sup> respondent / 1<sup>st</sup> defendant has filed a suit in O.S.No.89/2023 before the District Munsif Court, Ramanathapuram for declaration that the respondents / defendants are legal heirs of deceased Muniyasamy and the District Munsif Court has granted declaration on the basis of report and documents received from the VAO.

7. It is the case of the respondents / defendants that the 1<sup>st</sup> respondent / 1<sup>st</sup> defendant is the wife of Muniyasamy and 2<sup>nd</sup> respondent / 2<sup>nd</sup> defendant is the daughter of Muniyasamy and they are the real legal heirs of Muniyasamy. The petitioner / plaintiff has come forward with this application and suit with an intention to grab the suit properties that are absolutely belonged to said Muniyasamy and therefore, they prayed for dismissal of the petition.

8. The learned counsel for petitioner/ plaintiff would submit that the respondents / defendants have filed the suit in O.S.No.89/2023 before the District Munsif Court, Ramanathapuram as against Tahsildar and the respondents / defendants have willfully not included the petitioner / plaintiff with sole intention to grab the properties of Muniyasamy claiming that they are wife and daughter of said Muniyasamy.

9. This Court perused the records and considered the submissions made on either side.

**10. Point for consideration is Whether this petition is liable to be allowed as prayed for ?**

11. Upon perusal of records, the Power Agent of petitioner / plaintiff has been examined as PW1 and 17 documents have been marked through him. One more witness namely Karuppaiah has been examined as PW2. In the chief examination, the said Karuppaiah has stated that the brother of petitioner / plaintiff namely Muniyasamy died as bachelor and the 1<sup>st</sup> respondent / 1<sup>st</sup> defendant is not the wife of said Muniyasamy and 2<sup>nd</sup> respondent / 2<sup>nd</sup> defendant is not the daughter of Muniyasamy. The petitioner / plaintiff who is sister of the said Muniyasamy is only the legal heir of Muniyasamy. But contrary to his chief evidence, in cross examination he has admitted that the

1<sup>st</sup> respondent / 1<sup>st</sup> defendant is the wife and 2<sup>nd</sup> respondent / 2<sup>nd</sup> defendant is the daughter of said Muniyasamy. But at the same time, original Sale deed in favour of said Muniyasamy in respect of 1<sup>st</sup> and 2<sup>nd</sup> item of suit properties are with the petitioner / plaintiff and those original documents have been marked on the side of petitioner / plaintiff. Some more documents which are connected to the said Muniyasamy have also been marked on the side of petitioner / plaintiff.

**12.** Considering the same and also the stage of the suit, this Court is of the considered view that there is no prejudice would have been caused to the respondents / defendants in the event of granting temporary injunction till the disposal of the suit as the suit itself would have been disposed of within a month if respondents / defendants are ready to proceed with the trial. On the other hand, if any alienation is made by respondents / defendants it would cause serious prejudice to the petitioner / plaintiff. The original documents executed in favour of Muniyasamy are produced on the side of petitioner / plaintiff shows that the balance of convenience is in favour of the petitioner / plaintiff. Therefore this Court is of the considered view that an order of temporary injunction has to be granted till the disposal of the suit restraining the respondents / defendants not to alienate the suit properties.

In the result, this petition is allowed granting an order of temporary injunction restraining the respondents / defendants and their men and agents not to encumber the suit properties till the disposal of the suit by way of othi, sale and mortgage.

Dictated to the Steno-Typist, transcribed and typed by her in the Computer, corrected by me and pronounced by me in the open court, on this the 17<sup>th</sup> day of February 2026.

Additional District Judge,  
Ramanathapuram.  
17.02.2026

**List of witness and document on either side :**

Nil

Additional District Judge,  
Ramanathapuram.  
17.02.2026