

In the Court of District Munsif, Mudukulathur

Present : Ms.J.C.Aparna, B.A, L.L.B.,

District Munsif,

Mudukulathur.

Thursday the 13th day of November 2025

I.A.No.03/2024

in

O.S.No.10/2024

A.Jeyaraj
(Rep through his power agent
Aruljoseph Devid)

.... Petitioner/Plaintiff

/VS/

1. Manickam
2. Josephrani

....Respondents/Defendants

This petition came on 23.10.2025 before this court for a final hearing in the presence of Thiru.R.Balaji, Learned Counsel for the Petitioners/Plaintiffs, 1st Respondent/ 1st Defendant set exaparte and Thiru.Y.T.Ansari, Learned Counsel for the 2nd Respondent/Defendant and upon hearing both sides enquiry and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

ORDER

This petition has been filed under Order 39 Rule 1&2 of Civil Procedure Code for the relief of temporary injunction till the disposal of the suit, restraining the respondents from making any encumbrance with respect of suit property.

2. The contention of the Petitioners/Plaintiffs in brief:-

The petitioner is the power agent of the plaintiff. The suit property belongs to the plaintiff's father Anthony Udayar. By way of a settlement deed dated 14.10.2000, the plaintiff's father settled the same in favour of this plaintiff. Meanwhile Anthony Udayar has executed a sale deed dated 02.01.2013 in favour of the defendants in respect of the suit property without having any transferrable right over the suit property. The defendants have made fencing around the suit property and constructed a house in the southern portion of the suit property. Now the defendants are trying to encumber the suit property by way of alienation. Hence this petition for temporary injunction until the disposal of the suit restraining the defendant from making any encumbrance with respect of suit property.

3. Brief averments of the Respondents/Defendants in brief:

The respondents deny the averments in the petition. The suit property was rightfully purchased by the respondents from Anthony Udayar by way of sale dated 02.01.2013 and the respondents are in the lawful possession and enjoyment of the suit property till date. The house in the suit property was constructed 15 years ago. Hence these respondents have title by adverse possession. The petitioner is well aware of the above said sale. The alleged settlement executed by Anthony Udayar in favour of the petitioner is not acted upon. Hence prays to dismiss the petition.

4. Point for consideration:-

Whether the petition be allowed and the relief be granted as prayed for?

Heard Both sides. On the side of petitioners Ex.P1 to P8 were marked. On the respondents side Ex.R1 to Ex.R7 were marked.

5. Answer to the Point:-

5.1. It is admitted fact by both the parties that the suit property originally belonged to one Anthony Udayar. The plaintiff is the son of the said Anthony Udayar. It is the case of the petitioner that his father executed a settlement deed (Ex.P1, R7) in respect of the suit property in his favour in the year 2000. Till date the petitioner is in the possession and enjoyment of the suit property by virtue of the said settlement deed. On the other hand, respondents claim right to the suit property by stating that the said Anthony Udayar executed a sale deed (Ex.P2, R1) in respect of the suit property in their favour and they are in the possession and enjoyment of the suit property by constructing a house in the same over 15 years ago. The petitioner admits that currently the respondents have fenced the suit property and constructed a house in the southern portion by encroaching on the same. The main contention put forth by the petitioner is that since his father has executed a settlement deed (Ex.P1, R7) in the year 2000 itself, he has no transferable interest to execute a subsequent sale deed (Ex.P2, R1) in respect of the same property in favour of the respondents. Now the respondents are trying to encumber the suit property by alienating the same in favour of third persons. Hence the petition for temporary injunction till disposal of the suit restraining the defendants.

5.2. On Perusal it can be seen that there is a serious dispute between the parties as to the title of the suit property and both the parties are claiming title to the suit property by way of respective registered deeds executed in their favour by Anthony Udayar. It can be seen from the settlement deed (Ex.P1, R7) executed in favour of the plaintiff and sale deed (Ex.P2, R1) executed by Anthony Udayar in favour of the respondents. It seems necessary to prevent any further alienation or encumbrance that might end in multiple litigations or might result in the suit property being transferred in favour of third persons which will result in irreparable loss and hardships. Since in the light of the above discussions this

petition is allowed and the respondents are restrained from alienating or encumbering the suit property till the disposal of the suit.

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

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 13th day of November 2025.

**District Munsif,
Mudukulathur.**

Petitioners side witness: Nil

Petitioners side documents:

Ex.P1	14.10.2000	Inam Settlement deed executed by Plaintiff's father infavour plaintiff- Original
Ex.P2	02.01.2013	Sale deed executed by Plaintiff's father infavour Defendants- SRO copy
Ex.P3	17.05.2023	FIR
Ex.P4	19.01.2023	Letter of the District Registrar, Ramanathapuram
Ex.P5	-	Encumbrance Certificate for the suit property- Online copy
Ex.P6	-	CD with photo copies showing the suit property
Ex.P7	-	Plaintiff's father death Certificate- Original
Ex.P8	-	10(1) Chitta- Xerox copy

Respondents side witness: Nil

Respondents side documents:

Ex.R1	02.01.2013	Sale deed executed by Plaintiff's father infavour Defendants- Xerox copy
Ex.R2	-	10(1) Patta in the name of Respondents/ Defendants- Online copy

Ex.R3	-	House Tax Receipt in the name of 1 st respondent/1st defendant- Online copy
Ex.R4	-	EB bill Receipt in the name of 1 st respondent/1st defendant- Online copy
Ex.R5	-	Encumbrance Certificate for the suit property- Online copy
Ex.R6	-	FMB for the suit property- Online copy
Ex.R7	14.10.2000	Inam Settlement deed- SRO copy

**District Munsif,
Mudukulathur.**