

In the Court of District Munsif, Mudukulathur

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

District Munsif,

Mudukulathur.

Wednesday the 18th day of February 2026

I.A.No.02/2023

in

O.S.No.39/2023

1. Manickam

2. Josephrani

..... Petitioners/Plaintiffs

/VS/

A.Jeyaraj

(Rep through his power agent

Aruljoseph Devid)

(Amended as per order in IA No.07/2025, dated:02.04.2025)

..... Respondent/Defendant

This petition came on 13.02.2026 before this court for final hearing in the presence of Thiru.Y.T.Ansari, Learned Counsel for the Petitioners/Plaintiffs, Thiru.R.Balaji, Learned Counsel for the 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 restraining the respondents, their men and agents from interfering with the petitioner peaceful possession of the suit property till the disposal of the suit.

2. Brief averments of the Petitioners/Plaintiffs in brief:-

The 1st petitioner is the 1st plaintiff in the main suit. He files this petition for himself and on behalf of the 2nd petitioner/ 2nd plaintiff. Suit property originally belonged to one Anthony Udayar. Anthony Udayar by Way of sale deed in document number 1/2013 dated 02.01.2013, transferred the suit property in favour of the plaintiffs. The plaintiffs are in the peaceful possession and enjoyment of the same by constructing a house in the Northwest portion of the suit property. The Patta, house tax receipts and electricity receipts stand in the name of the plaintiffs. Meanwhile, the respondent is trying to interrupt the peaceful possession of the plaintiff in the suit property. Hence this petition to grant temporary injunction till the disposal of suit.

3. Brief averments of the Respondent/Defendant in brief:

The respondent denies the averments in the petition. The Anthony Udayar on 14.10.2000 by way of a settlement deed in document number 1/2013 settled the suit property in favour of the respondent. Anthony Udayar never executed any sale deed in favour of the plaintiffs. The plaintiffs have encroached the suit property and constructed a house in the north West portion and fenced the suit property only in the year 2023. The respondent has filed a suit in OS number 10 of 2024 in respect of the suit property. Since Anthony Udayar executed a settlement deed in favour of the respondent in the year 2000, the subsequent sale deed executed in favour of the plaintiff in the year 2013 is not valid. A criminal complaint has also been filed in respect of the dispute in respect of the suit property. The documents relied on by the plaintiffs are not related to the suit property, 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 P13 were marked

and on the side of respondent Ex.R1 to R8 were marked.

5. Answer to the Point:-

5.1. The case of the petitioners/plaintiffs is that the suit property originally belonged to one Anthony Udayar and the said Anthony Udayar transferred the same in favour of the petitioners/plaintiffs by way of sale deed dated 02.01.2013 and the petitioners/plaintiffs are in the peaceful and enjoyment of the same by fencing the entire suit property and by constructing a house in the north-west portion.

5.2. Where as the respondent/defendant states that Anthony Udayar settled the suit property in favour of the respondent/defendant in the year 2000 itself and a subsequent sale deed in the favour of petitioners/plaintiffs is not valid.

5.3. Heard both sides enquiry and available records perused. The petitioners/plaintiffs state that they are currently in the possession and enjoyment of the suit property by fencing the same and they have constructed a house in the north-west portion of the suit property. This fact is admitted by the respondent/defendant in his counter affidavit Para number 3 and 11. But the respondent/defendant states that the petitioners/plaintiffs only constructed the house and fenced the property in the year 2023 and not in the year 2013, as alleged by them. It is also stated that since the property was settled in favour of the respondent/defendant in the year 2000 itself, the petitioners/plaintiffs cannot have any valid title by way of sale deed executed in their favour in 2013 as per the principle of caveat emptor, it is the duty of the petitioners/plaintiffs to check for encumbrances.

On the side of the petitioners/plaintiffs, encumbrance certificates have been produced and on perusal of the said exhibits P5 and P11, it can be seen that the settlement deed executed in favour of the respondent/defendant is not reflected. On the other hand, the encumbrance certificate (Ex.R5) produced by

the respondent/defendant shows the entries of the settlement deed and sale deed in favour of the petitioners/plaintiffs. Since both the parties claim title to the suit property by way of registered documents, but seeing that the respondent/defendant himself admits the current possession of the petitioners/plaintiffs in the property by way of construction of a house, the question of the validity of the deeds relied on by the parties can be determined only at the time of trial. The respondent/defendant also states that a criminal complaint has been filed in respect of the suit property, this shows there is a threat of dispossession. In the light of the above discussions, the court is of the conclusion that the balance of convenience is tilted in the favour of the petitioners/plaintiffs as they are currently in the possession of the suit property and are residing in the same by constructing a house, hence irreparable loss and hardships will be caused to the petitioners/plaintiffs. Hence in the light of the above discussions this petition is allowed, and the petitioners/plaintiffs are to cooperate with the trial as temporary injunction have been granted in their favour. No order as to costs.

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

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 18th day of February 2026.

**District Munsif,
Mudukulathur.**

List of Petitioners side witness : Nil

List of Petitioners side Documents:

Ex.P1	02.01.2013	Sale deed executed by Anthoni Udayar infavour of Petitioners/plaintiffs- Xerox copy
Ex.P2	07.10.2023	10(1) patta for the suit property in the name of Petitioners/plaintiffs- Online copy
Ex.P3	-	House Tax Receipt in the name of 1 st petitioner/1st plaintiff for the year of 2022-2023 - Original
Ex.P4	-	EB Bill Receipt in the name of 1 st petitioner/1st plaintiff – Online copy
Ex.P5	07.10.2023	Encumbrance Certificate for the suit property- Online copy
Ex.P6	-	FMB for the suit property- Xerox copy
Ex.P7	-	House Tax Receipt in the name of 1 st petitioner/1st plaintiff for the year of 2025-2026 – Online cop
Ex.P8	09.10.2025	EB Bill Receipt in the name of 1 st petitioner/1st plaintiff – Online copy
Ex.P9	-	Photo showing the suit property
Ex.P10	-	10(1) Patta for the suit property in the name of Anthony Udayar- Online copy
Ex.P11	21.10.2025	Encumbrance Certificate for the suit property- Online copy
Ex.P12	-	Deposition of Alfonsa in CC No.109/2023- Online copy
Ex.P13	19.02.2024	Judgment in CC.No.109/2023- Online copy

List of Respondent side witness : Nil**List of Respondent side Documents:**

Ex.R1	14.10.2000	Inam Settlement deed- Xerox copy
Ex.R2	02.01.2013	Sale deed executed by Anthoni Udayar infavour of Petitioners/plaintiffs- Xerox copy
Ex.R3	17.05.2023	FIR Xerox copy

Ex.R4	19.01.2023	Letter of District Registrar, Ramanathapuram- Xerox copy
Ex.R5	08.03.2023	Encumbrance Certificate for the suit property
Ex.R6	-	Photo and CD showing the suit proeprty
Ex.R7	-	Death Certificate of Anthony Udayar- Xerox copy
Ex.R8	-	10(1) Patta in the name of respondent/defendant- Xerox copy

**District Munsif,
Mudukulathur.**