

In the Court of District Munsif, Mudukulathur

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

District Munsif,

Mudukulathur.

Thursday the 28th day of August 2025

I.A.No.140/2021

in

O.S.No.45/2021

1. Rani
2. Anees fathima
3. Mohamed Arabath
4. Hameetha Begam
5. Seeni Mumthaj Begam
6. Aamina Beevi
7. Pichai Kani
8. Sahul Hameed
9. Ajarudheen
10. Shamisha Begam

..... Petitioners/Plaintiffs

/VS/

1. Seyd Sekana
2. Seyinsa Begam
3. Jeyina Begam
4. Kadharammal

..... Respondents/Defendants

This petition came on 06.08.2025 before this court for a final hearing in the presence of Thiru.G.Janakiraman, Learned Counsel for the Petitioners/Plaintiffs, Thiru.M.Dharmar, Learned Counsel for the Respondents/Defendants and upon hearing both sides arguments 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 and 2 of CPC to restraining the respondents/defendants from interfering with the petitioners/plaintiffs peaceful possession of the suit property.

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

The suit property along with properties in survey numbers 307/6 and 307/4 Originally belong to one Pichai Kani Rawther. He was in possession of the above said properties by constructing houses and leaving the rest of the property as vacant sites. After his demise his legal heirs 1. Segupatani 2. Mohamed Murasoli 3. Abbas Ali were in possession of the said properties including the suit property and the Patta was also mutated in their name. The petitioners/plaintiffs are the legal heirs of the above said persons. Mistakenly a portion of the property in survey number 307/6 was included in the survey number 307/4. The respondents/defendants have no right over the suit property and the land tax receipts are maintained in the name of the 6th and 4th plaintiffs respectively. The defendants are estopped by the deed of conduct. The respondents/defendants are trying to interfere with the peaceful possession of the suit property by the plaintiffs. Hence the petition.

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

The respondents deny the averments in the petition. The property in survey number 307/4 belongs to the mother of the defendants by way of settlement deed and the property in survey number 307/6 is also mentioned in the said settlement deed. The properties in survey numbers 307/4 and 307/6 are in the absolute possession and enjoyment of the defendants. Also the property in survey numbers 307/4 and 307/6 has been partitioned and the ancestor of the

petitioners i.e. the Pichaikani Rawther has executed the said partition deed in favour of the ancestors of the defendants. The petitioners are trying to claim right over the suit properties by using the fraudulent Patta executed in the name of the Pichaikani Rawther's Legal heirs. 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 the petitioners Ex.P1 to Ex.P11 were marked and on the side of respondents no one document was marked.

5. Answer to the Point:-

5.1. The case of the petitioners/plaintiffs is that the suit property along with properties in survey numbers 307/6 and 307/4 originally belonged to Pichaikani Rawther. The suit property is a vacant site and is a part of survey number 307/6 measuring an extent of 300 square meter. The petitioners and 5-10 defendants are the wife and children of the legal heirs of the said Pichaikani Rawther. The patta for the survey number 307/6 is mutated in the name of the legal heirs of the said Pichaikani Rawther and the patta and the notice is marked as Ex P4 and P3. The 1st defendant has transferred a portion in survey number 307/2 in favour of 2nd defendant by way of a settlement deed and in the said deed the east boundary is mentioned as the property of the legal heirs of the said Pichaikani Rawther. The said settlement deed is marked as Ex P1. In Ex P5 the eastern boundary of survey number 307/2 is seen as survey numbers 307/6 and 307/4. In Ex P2 and P6 survey number 307/4 is seen as Poromboke.

5.2. Whereas the respondents content that the patta is fraudulently mutated in the name of the legal heirs of the said Pichaikani Rawther in respect of the properties in survey numbers 307/6 and 307/4 and the said properties originally belonged to their mother by way of a settlement deed. The deed is not

produced before the court. No documents have been relied on by the respondents. In respect of the Ex P1 document and the eastern boundary, the respondents state that the petitioners are misrepresenting the same as belonging to them. From the above discussions, this court comes to the conclusion that the petitioners have prima facie proved their possession in survey number 307/6 and it is fit to grant the relief of temporary injunction as against the respondents not to interfere with the peaceful possession of the suit property till the disposal of the suit. In the result, the petition is allowed.

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 28th day of August 2025.

**District Munsif,
Mudukulathur.**

Petitioner side witnesses : Nil

Petitioner side documents:

Ex.P1	07.10.1997	Inam Settlement deed – SRO copy
Ex.P2	09.05.2015	SLR for the suit property- Original
Ex.P3	19.08.1992	Natham Survey Form-1 Notice- Original
Ex.P4	21.09.1993	Patta for the suit property- Original
Ex.P5	03.09.2021	FMB- True copy
Ex.P6	05.03.2021	Memo issued by the Thasildar, Mudukulathur- Original
Ex.P7	03.09.2021	House Tax Receipt in the name of 4 th petitioner- Original

- Ex.P8 20.06.2021 EB Bill Receipt in the name of 4th petitioner-
Online copy
- Ex.P9 22.02.2021 House Tax Receipt in the name of 7th petitioner-
Original
- Ex.P10 - EB Bill Receipt in the name of 7th petitioner-
Online copy
- Ex.P11 - Genealogy list- Original

Respondent side witnesses and documents : Nil

**District Munsif,
Mudukulathur.**