

IN THE COURT OF II ADDITIONAL DISTRICT & SESSIONS JUDGE,
ARAKKONAM, RANIPET DISTRICT.

Present: Tmt.K.S.Jayamangalam, M.L.,
II Additional District & Sessions Judge,
Arakkonam.

Wednesday the 25th day of March 2026.

I.A.No.4/2025 in O.S.No.81/2025

Dhanasekar

...Petitioner/plaintiff

/vs/

1. Vijayalakshmi @ Kalaiselvi

2. Nagarajan

3. Mahalakshmi

4. Sumathi

5. Latha

6. Kalaivani

7. Kiruthika

8. N.Vasanth

...Respondents/Defendants

This petition came up before me on 09.03.2026 for final hearing in the presence of Advocates Thiruvalargal N.G.Thamizhselvan & N.G.Parthiban appearing for the Petitioner and Advocate Thiru.A.Gopinath appearing for R1 & R4 and Advocate Thiru.K.Loganathan appearing for R2 and Advocates Thiruvalargal P.Ramamoorthy & G.Anandan appearing for R3 and R8 and Advocate Thiru.A.E.Sivaprakasam appearing for R6 & R7 and R5 called absent set ex-parte and after hearing the arguments of both sides, upon perusing the entire case records and the case having stood over for consideration till this day, this court delivered the following

ORDER

The petitioner is the plaintiff has filed this petition under order 39 Rule 1 of C.P.C to grant Temporary injunction restraining the defendants, their men, agents from registering 1/3rd share in the suit properties to any third parties till partition takes place.

2. Brief of petition runs as follows:-

The petitioner and the respondents 1 to 7 are the legal heirs of one Narasimma Reddiyar. The 8th respondent is the widow of the said Narasimma Reddy. The said Narasimma Reddy died intestate on 05.09.2023 leaving behind the petitioner and the respondents as his legal heirs. The suit properties are the joint family properties. Certain properties were owned by the said Narasimma Reddy as ancestral properties and other properties were purchased in his name from and out of the income derived from the joint family funds. During his life-time the said Narasimma Reddy made family arrangements in the year 2004. The said Narasimma Reddy provided 5 plots in the name of 1st respondent and his son Srinivasan through Gift deed and Power of Attorney deed, 4 plots was provided in the name of 3rd respondent and her daughter namely Dharani. The above said arrangement were made by the said Narasimma Reddy and his father Veeraragava Reddiyar. 5 plots was provided to the 4th respondent on 07.11.2006 by way of Gift deed, 10 plots was provided to the 5th respondent on 25.03.2013 by way of Gift deed. The 6th respondent was provided her share through two sale deeds dated: 11.12.2005 and 15.12.2006 in favour of her husband. The 7th respondent was provided a plot on 13.02.2014 through the petitioner/plaintiff's son by

name Jagan on 15.11.2012 10 cents of land at M.M.Nagar in Sholinghur Town by way of Gift deed. The 7th respondent was provided a land an extent of 48 cent through a settlement deed on 14.11.2012. Further the 7th respondent was provided 1 Acre of land at Kondapuram village by the 8th respondent by way of Gift deed. During the life-time of Narasimma Reddy, he made some properties in his wife's name the 8th respondent as family arrangements. At the time of family arrangements, the 7th respondent had not married. After her marriage, she got all her shares. Further the respondents 1, 3 to 7 had also received a cash of Rs.25,00,000/- from the Narasimma Reddy. In the said family arrangements the respondents 1, 3 to 7 had relinquished their rights in their joint family other properties and admitted that the petitioner, 2nd respondent and the 8th respondent should enjoy equally all other joint family properties. After the demise of the said Narasimma Reddy, the suit properties devolved on the petitioner, 2nd respondent and the 8th respondent in equal shares and they have jointly been in possession and enjoyment of the same. For the past few months the respondents have started acting adverse to the interest of the petitioner and they are denying the petitioner's due share in the suit properties. Hence, it is necessary to restrain the respondents from registering 1/3rd share in the suit properties to any third parties till partition. Unless the petition is allowed, he will be put to great loss and hardship.

3. The 1st respondent filed a memo to treat the written-statement filed in the suit as counter in I.A.No.4/2025 and the same was recorded.

4. Brief of written-statement filed by the 1st respondent treated as counter runs as follows:-

The suit is not maintainable either in law or on facts. This respondent admits the averments made in para 2 of the affidavit. All other averments mentioned in the affidavit are denied. The plaintiff's claim for 1/3rd share in the suit properties is frivolous and vexatious. This defendant's father Narasimman died intestate on 05.09.2023 leaving behind this defendant and the defendants 2 to 8 as his legal heirs to succeed all his estate. As such this defendant is entitled to an undivided 1/9th share in the suit properties. In order to defraud and cheat this defendant and other co-owners the plaintiff has filed the above false and vexatious suit. The suit properties have not been properly described in the plaint schedule. The cause of action is false. Hence, the suit is to be dismissed with costs.

5. Brief of counter filed by the 2nd respondent runs as follows:-

This respondent denied all the averments and allegations made in the affidavit except those that are specifically admitted herein. This respondent admitted that he and the other respondents are brothers and sisters and they are all children and legal heirs of deceased Narasimma Reddy. The 8th respondent is the widow of the said Narasimma Reddy. The said Narasimma Reddy died intestate on 05.09.2023 leaving behind them as his legal heirs are absolutely true. The petition mentioned properly are the joint family properties. Certain properties were owned by the Narasimma Reddy as ancestral properties and other properties were purchased in the name of Narasimma Reddy from and out of the income derived from the

joint family funds. All the suit properties are joint family properties are perfectly correct. All other allegations mentioned in the affidavit are all denied by this respondent. Hence, the petition is to be dismissed.

6. Brief of counter filed by the 3rd respondent adopted by 8th respondent runs as follows:-

This petition is not maintainable either in law or on facts. The petitioner has filed this petition to grab the respondents share of the suit properties. This respondent has no iota of intention to create fraudulent documents to third parties. This petition is devoid of merits. The suit properties are all Hindu undivided joint family properties of the petitioner and the respondents but denied the oral family arrangements. This respondent denied that the respondents 1, 3 to 7 had already received a cash amount of Rs.25 lakhs from their father is absolutely false and it has been invented by the petitioner. The petitioner cunningly obtained a deed of Power of Attorney from their father and sold several properties in the capacity of the Power Agent and enjoyed the sale price. His father executed a registered Settlement deed in favour of the petitioner's son namely Jagan. Their father also celebrated the marriage of petitioner's daughter by spending several lakhs and providing 50 sovereign gold ornaments to granddaughter. He solemnized his son and daughter's marriage in the capacity of their father. The respondents 1, 3 to 7 had not relinquished their right in their joint family and other properties. Even before or after the demise of their father the petitioner and the respondents are enjoying and joint and constructive possession. The petitioner assaulted the 8th respondent who is the mother of him and took cash of Rs.20 Lakhs, immovable properties

documents, Judgment copies and important keys and he committed theft by break open the log of Kondapuram village godown and took away the paddy, rice and groundnuts worth about Rs.5 lakhs. The 8th respondent lodged a complaint before the Superintendent of police Ranipet. FIR has been lodged against him. The intention of the petitioner is only to grab the petition mentioned properties from his sisters. The 3rd respondent has no objection to divide the suit properties into 9 equal shares and allot each one share to the petitioner and the respondents 1 to 8. There is no merit in the above petition and the same is liable to be dismissed.

7. The 4th respondent filed a memo to treat the written-statement filed in the suit as counter in I.A.4/2025 and the same was recorded.

8. Brief of written-statement filed by the 4th respondent treated as counter runs as follows:-

The suit is not maintainable either in law or on facts. This respondent admits the averments made in para 2 of the affidavit. All other averments mentioned in the affidavit are denied. The plaintiff's claim for 1/3rd share in the suit properties is frivolous and vexatious. This defendant's father Narasimman died intestate on 05.09.2023 leaving behind this defendant and the defendants 2 to 8 as his legal heirs to succeed all his estate. As such this defendant is entitled to an undivided 1/9th share in the suit properties. In order to defraud and cheat this defendant and other co-owners the plaintiff has filed the above false and vexatious suit. The suit properties have not been properly described in the plaint schedule. Further one V.Nathamuni brother of one V.Narasimman had filed a suit for partition before the II

Additional District Judge, Ranipet in O.S.No.4/2007 and the same was dismissed on merits on 24.01.2020. The above suit is clearly barred by the principle of Res judicata. The measurements and boundaries given for the suit properties are false and imaginary. Hence, the suit is to be dismissed with costs.

9. Brief of counter filed by the 6th respondent adopted by 7th respondent runs as follows:-

This respondent denied all the averments and allegations made in the affidavit except those that are specifically admitted herein. This respondent admitted that he and the other respondents are brothers and sisters and they are all children and legal heirs of deceased Narasimma Reddy. The 8th respondent is the widow of the said Narasimma Reddy. The said Narasimma Reddy died intestate on 05.09.2023 leaving behind them as his legal heirs are absolutely true. The petition mentioned properly are the joint family properties. Certain property were owned by the Narasimma Reddy as ancestral properties and other properties were purchased in the name of Narasimma Reddy from and out of the income derived from the joint family funds. All the suit properties are joint family properties are perfectly correct. Ipso-facto the said Narasimma Reddy died after the Amendment Act 2005 and the rights of Male co-parcenary was ceased. The act clearly pointed out that all members of the family both male persons and female persons have equal rights over the intestate joint family properties. The petitioner has no manner of right to get remedy for temporary injunction for restraining all the defendants for registration of their particular shares owned by them in the suit properties because all of them are co-owners and

co-sharers in respect of the suit properties. Hence, the petition is to be dismissed.

10. **The Point for consideration:**

1) Whether the petition is to be allowed or not?

11. The petitioner is the plaintiff filed the suit for Partition and Permanent Injunction against the respondents/defendants. The respondents 1 to 7 are the brothers and sisters of the petitioner/plaintiff. The 8th respondent is the mother of the petitioner and the respondents 1 to 7 and their father Narasimma Reddy died intestate on 05.09.2023 leaving behind the petitioner and the respondents 1 to 8 as his legal heirs. The petition mentioned properties are joint family properties and certain properties were owned by their father Narasimma Reddy and other properties were purchased in the name of their father from and out of the income derived from the joint family funds. Therefore, all the suit properties are joint family properties of the petitioner and the respondents. During the life-time of their father in the year 2004 he had made family arrangements along with his father Veeraraghava Reddiyar. As per the family arrangements certain properties were allotted towards the share of the respondents 1, 3 to 7. Their father only performed the marriage of the respondents 1, 3 to 7 by spending huge amount. The petitioner and the respondents had accepted the family arrangement. In the said family arrangements the respondents 1, 3 to 7 had relinquished their right in the joint family and other properties and allowed the petitioner, 2nd and 8th respondent should enjoy equally all other joint family properties. As per the oral family arrangement and during the life-

time of their father, the petitioner, the 2nd and 8th respondents were in joint possession and enjoyment of the petition mentioned properties. Therefore the petitioner, 2nd and 8th respondent are entitled to get 1/3rd share each in the petition mentioned properties. After the demise of their father, the suit properties devolved on him, 2nd and 8th respondent in equal shares and they have been in possession and enjoyment till date. While so, suddenly the respondents started acting adverse to his interest and denying his due share in the petition mentioned properties. The respondents used to induce the 2nd and 8th respondents in the joint family to create problem in the joint family properties and their aim is only to grab the property illegally from him. The respondents 2 and 8 are his co-parceners and the respondents 1, 3 to 7 have no manner of right and title over the 1/3rd share of the petition mentioned properties are trying to alienate the same to any third parties, hence he has filed the present petition.

12. By way of reply, the 1st respondent's side argued that except the averment that the petitioner and the respondents 1 to 7 are brothers and sisters and they are the children and legal heirs of Narasimma Reddy and the rest of the allegations made in the petition are denied by him. The 1st respondent disputed the oral family arrangement alleged in the petition and put the petitioner to strict proof of the same. The present suit itself is not maintainable and the 1st respondent is entitled to get 1/9th share in the petition mentioned properties she being a co-owner in the petition mentioned properties. The petitioner has not described the suit properties in the plaint properly hence the present petition is liable to be dismissed.

13. The 2nd respondent filed a separate counter stating that this respondent and the other respondents are brothers and sisters and they are all children and legal heirs of deceased Narasimma Reddy. The 8th respondent is the widow of the said Narasimma Reddy. The said Narasimma Reddy died intestate on 05.09.2023 leaving behind them as his legal heirs are absolutely true. The petition mentioned properties are the joint family properties. Certain properties were owned by Narasimma Reddy as ancestral properties and other properties were purchased in the name of Narasimma Reddy from and out of the income derived from the joint family. All the suit properties are joint family properties are correct.

14. The 3rd and 8th respondent's side filed a separate counter stating that the petitioner filed the present petition in order to grab the share of the respondents and created fraudulent documents to third parties. The 3rd respondent filed a detailed written-statement denying the case of the petitioner/plaintiff and admitting the fact that the suit properties are all Hindu undivided joint family properties of the petitioner and the respondents but denied the oral family arrangements. This respondent denied that the respondents 1, 3 to 7 had already received a cash amount of Rs.25 lakhs from their father is absolutely false and it has been invented by the petitioner. The petitioner cunningly obtained a deed of Power of Attorney from their father and sold several properties in the capacity of the Power Agent and enjoyed the sale price. His father executed a registered Settlement deed in favour of the petitioner's son namely Jagan. Their father also celebrated the marriage of petitioner's daughter by spending several lakhs and providing 50 sovereign gold ornaments to grand- daughter. He

solemnized his son and daughter's marriage in the capacity of their father. The respondents 1, 3 to 7 had not relinquished their right in their joint family and other properties. Even before or after the demise of their father the petitioner and the respondents are enjoying and joint and constructive possession. The petitioner assaulted the 8th respondent who is the mother of him and took cash of Rs.20 Lakhs, immovable properties documents, Judgment copies and important keys and he committed theft by break opening the lock of Kondapuram village godown and took away the paddy, rice and groundnuts worth about Rs.5 lakhs. The 8th respondent lodged a complaint before the Superintendent of Police Ranipet. FIR has been lodged against him. The intention of the petitioner is only to grab the petition mentioned properties from his sisters. The 3rd respondent has no objection to divide the suit properties into 9 equal shares and allot each one share to the petitioner and the respondents 1 to 8. There is no merit in the above petition and the same is liable to be dismissed.

15. The 4th respondent filed a separate written-statement and adopt the same as counter in this I.A. This respondent denies the averments and allegations made in the petition and put him to strict proof of the same. This respondent denied the family arrangement alleged in the petition and also the share mentioned in the petition. Being the legal heirs of their father Narasimma Reddy she is entitled to get 1/9th share in the petition mentioned properties. One Nathamuni brother of one Narasimman who is the father of this respondent had already filed a suit for partition in O.S.No.4/2007 and the same was dismissed on merits on 24.01.2020. Therefore, the present suit is barred by principle of Res-Judicata.

16. The 6th and 7th respondent filed a separate counter and denied the case of the petitioner except the relationship. This respondent denied the oral family arrangement and the shares claimed by the petitioner in the plaint. This respondents are also one of the legal heir of the deceased Narasimma Reddy therefore, all the respondents are having equal share in the petition mentioned properties, accordingly the above I.A is liable to be dismissed.

17. After hearing the arguments of both sides, the petitioner is the plaintiff filed the suit for partition in which he has filed the present petition seeking the relief of interim injunction restraining the respondents/defendants from registering 1/3rd share in the petition mentioned properties to any third parties till the partition takes place in respect of the petition mentioned properties. Except the 5th respondent, the rest of the respondents filed a separate counter and disputed the oral family arrangement pleaded by the petitioner and the 1/3rd share claimed by him. There is no dispute between the parties that their father Narasimma Reddy died intestate leaving behind the petitioner and the respondents as his legal heirs. The 8th respondent is the wife of deceased Narasimma Reddy. The petitioner has stated that except the 2nd and 8th respondents the rest of the respondents received cash of Rs.25 Lakhs from his father and relinquished their right in respect of the petition mentioned properties. All the petition mentioned properties are Hindu joint family properties therefore, the petitioner, the 2nd and 8th respondents are entitled to get 1/3rd share in the petition mentioned properties. The respondents 1 to 4, 6 to 8 denied the petitioner's case and disputed the oral family arrangement averred in the

petition and also the share as mentioned in the petition. The respondents vehemently opposed that they never relinquished their right in respect of the petition mentioned properties nor received Rs.25 Lakhs as alleged in the petition. The petitioner in order to grab the petition mentioned properties filed the present petition which is not maintainable. The 7th respondent has contended that the brother of his father namely Nathamuni filed a suit in O.S.No.4/2007 before the II Additional District Court, Ranipet and now constituted as I Additional District Court, Ranipet after trifurcation for partition and the same was dismissed on merits therefore the present suit is barred by principle of Res-Judicata.

18. The relationship between the petitioner and the respondents are admitted between the parties they have also admitted that their father Narasimma Reddy died intestate leaving behind the petitioner and the respondents 1 to 8 as his legal heirs. The petitioner contended that during the life-time of his father and his grand-father an oral family arrangement was made and some of the plots were allotted to the respondents. The petitioner has also further contended that except 2nd respondent and 8th respondent and the rest of the respondents relinquished their right in respect of the petition mentioned properties. The same has been vehemently opposed by the respondents and argued that the petitioner has not approached this court with clean hands and his intention is only to grab their shares, he has falsely represented that there was an oral family arrangement and they have relinquished their right over the petition mentioned properties. At this stage, the court cannot conduct a detailed roving enquiry and admittedly they are the legal heirs of deceased Narasimma Reddy and the

pleas of oral family arrangement, relinquishment of right over the petition mentioned properties the principle of Res-Judicata are all cannot be decided in this I.A. and it is pre-mature to decide the same. After allowing both the parties to let in oral evidence only this court will come to a conclusion with regard to the shares. Both the parties admitted that the petition mentioned properties are their joint family properties therefore in order to protect the interest of the petitioner as well as the respondents, this court is inclined to grant interim injunction in favour of the petitioner.

In the result, this petition is allowed and temporary injunction is granted restraining the respondents/defendants, their men and agents from alienating or encumbering the petition mentioned properties to any third parties till the partition takes place.

Dictated by me to the Steno-Typist, typed by her directly to my dictation in computer and print taken out, corrected and pronounced by me in open court, this the 25th day of March 2026.

II Additional District & Sessions Judge,
Arakkonam.

Both sides witness and exhibits: Nil.

II Additional District & Sessions Judge,
Arakkonam.