

**DMC ARAKKONAM 1 IA.01 of 2024 IN OS.10/2024
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET DISTRICT**

PRESENT:- Selvi.A.AMEENA.,BBA.,LLB(Hons)

DISTRICT MUNSIF, ARAKKONAM

Thursday the 30th day of October 2025

IA.No.01 of 2024 IN OS.10/2024

(CNR - TNRP080001452023)

1. A.Prabakaran

---Petitioner/Plaintiff

(vs)

1. Dhayalan

2. Laila

3. Dharmadurai @ Khan

4. Mrs. Meenakshi

---Respondent/Defendants

This suit is coming for final hearing before me on 16.10.2025 in the presence of Mr.K.Chozhan counsel appearing for Petitioner/plaintiff and Mr.S.MD.Jamaludeen counsel appearing for the 1st and 3rd respondents/defendants. Mr.G.Babu counsel appearing for 2nd and 4th respondents/defendants. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

ORDER

This petition is filed under order 39 rule 1 and 2 of CPC to grant interim injunction restraining the Defendants his man or men, agent or agents, servant or servants, or any other persons claiming right under him from illegal trespass or any disturbance in the plaintiffs right property bearing extent of land in S.No. 296/8A, 298/ 2C , 296/8C, 296/8E, 298/2A, 298/3A2, 65/1A10, 66/2, 66/5, 67/26 to an extent of 1.8 acres, bearing patta No.3, in Thanigaipolur revenue Village, Arakkonam Taluk, Ranipet District previously Vellore District more fully described in the petition schedule mentioned property pending disposal of their suit and be pleased to pass such further or other orders in the circumstances of the case and there by render justice.

1. Brief Averments of the petition:

1.1. The petitioner submits that he is the plaintiff in the suit and is well acquainted with the facts of the case. Further states that originally the petitioners father Mr.Appadurai had owned and possessed a larger extent of land in S.No. 296/8A, 298/ 2C , 296/8C, 296/8E, 298/2A, 298/3A2, 65/1A10, 66/2, 66/5, 67/26 to an extent of 1.8 acres, bearing patta No.3, in Thanigaipolur revenue Village, Arakkonam Taluk, Ranipet District previously Vellore District. Further states that the petitioners father Mr.Appadurai expired on 10.11.1990 leaving behind his first wife Mrs. Nagammal, second wife Krishnammal and three sons and four daughters namely Mr.Vijayendra, Mr.Raghu, Mr.Prabhakaran and Mrs.Anusaya, Mrs.Kumari, Mrs.Mala, Mrs.Jayachitra to inherit the property in common as such all we said legal has were enjoying the property in common and involved in cultivation.

1.2. Further submits that based on the fraudulent power of attorney of the year 2002, in the year 2019 the wife of the first defendant Mrs.Laila and Mrs.Meenakshi who is also related to first defendant had executed a registered sale deed dated 25.04.2019 bearing number 1808 of 2019 in favor of first defendant. All the supporting documents enclosed were of duplicate fabricated and forged his brother Mr.Vijayendran expired on 25.03.2009 being so a live certificate was obtained on 25.04.2019 as if the petitioners brother was alive on that date, as such impersonated and forged the signature in order to execute the sale deed.

1.3. Further submits that oncoming to knowledge about the execution of the fraudulent document a complaint representation dated 02.07.2019 was given before the district registrar, by post and similarly a complaint was given to the superintendent of Police Arakkonam Ranipet and to the collector, Ranipet District. Subsequent to the complaint an inquiry notice dated 16.08.2019 was served to participate in inquiry proceedings. Repetition was also filed before honorable High Court to cancel the fraudulent sale deed. The Honorable High Court after Peruvian the entire records and hearing both sides past detailed order on 13.04.2022 to conduct inquiry based on the petitioner's complaint to cancel the fraudulent sale deed.

1.4. Further submits that on 04.07.2023 the district registrar, district passed an order to cancel the forced sale dated 25.04.2019. After fraudulent document cancellation the defendants destroyed the cultivation plants in his land and day to day the defendants always disturbing by unlawful assembly in his lands with the aid of Gundas to restrict the illegal action, the petitioner already preferred police complaint against the defendant where the police officials advised the plaintiff to file civil suit. Further submits that the petitioner have made out a prime facie case and balance of convenience is in favor of the petitioner. Unless the respondents are restrained by an order of entry injunction the petitioner will suffer irreparable loss. Therefore, prays to grant interim injunction.

2. Brief Averments of the counter:

2.1. The respondent submits that they denies all the allegations stated in the Affidavit if except those that are specifically admitted. The petitioner is not entitled for injunction in view of the fact that this respondent is in peaceful possession and enjoyment of the suit scheduled property as absolute owner by virtue of the registered sale deed dated 25.04.2019 to the knowledge of the petitioner and his family members. The petitioner is neither in possession nor having right and title to the suit scheduled property. On the other hand, ever since the date of purchase the defendant is in possession and enjoyment of the suit scheduled property as absolute owner. In view of the said fact the petition becomes in fruituous.

2.2. Further submits that the registered power of attorney dated 03.04.2002 is valid and binding on the petitioner as well as other persons who was executed the set deed neither the petitioner nor other parties challenged the set power of attorney deducted 03.04.2002 Further submits that there is no dispute with regard to the survey numbers and extent of the suit property that is an extent of 1.8 acres Patta No.3 as alleged.

2.3. Further submits that the legal heir of deceased Appadhurai namely petitioner and others have obtained life certificate and handed over the same to the respondents 2 and 3 in order to execute the registered sale deed dated 25.04.2019 bearing document number 1808 of 2019. Therefore, the power of attorney namely the

respondents 2 and 4 are in no way connected with the alleged transaction and moreover the respondent being bonified purchaser is in no way connected with the alleged transactions the respondent had purchased the properties for valid sale consideration and the properties were delivered to the respondent on the date of sale deed itself. Therefore, the sale deed dated 25.04.2019 is legally valid and binding on the petitioner there is no need for the respondent to defraud any documents as alleged by the petitioner.

2.4. Further submits that whatever the transaction take in place only petitioner and other legal heirs of deceased Appadhurai in respect of the alleged documents. The family members of the petitioner and other legal has obtained the documents in order to get the sale deed to be registered on 25.04.2019 in favor of the respondent. Whatever the inquiry conducted by the district registrar in respect of the suit scheduled property is not legally valid and binding on the respondent even the alleged cancellation, the order passed by the district registrar dated 04.07.2023 is not legally valid and binding on the respondent and more particularly the cancellation of the sale deed dated 25.04.2019 is also not legally valid being the dispute is in civil nature, as a civil court only has jurisdiction to decide the title however the respondent has preferred an appeal before the inspector general of registration, Chennai and the same is pending for inquiry. In view of the said facts the petitioner is not legally entitled to take plea that the alleged sale deed is forged to one.

2.5. Further submits that the legal heirs of deceased apathy namely Kishtamal Ragu, Vijendran, Prabhakaran that is petitioner already executed the unregistered sale agreement dated 16.10.1992 in respect of the suit property in favor of the respondent's father namely Arasan S/o.Lakshmi they agreed to sell for a sum of rupees 35,000 and received a sum of rupees 25,000 as an advance and the remaining balance sale consideration rupees 10,000 has to be paid within six months that is before 05.04.1993. The sale agreement clearly proves already there was an agreement in respect of the suit scheduled property in favor of the 1st respondent's father. However, they have failed to complete the sale transaction and failed to execute the sale deed in favor of the 1st respondent's father.

2.6. Further submits that already the petitioner has given cause of action to file this suit in respect of the suit schedule property. There is a title dispute in respect of the suit schedule property, the petitioner very cleverly filing this application in order to escape from order 2 rule 2 (3) the petition itself is vexations and devoid of merits. Therefore, prayed to dismiss this application with cost.

3. Brief Averments of counter by R2 and R4:

3.1. The respondent submits that They denies all the allegations stated in the petition except those that are specifically admitted to the petition is not maintainable either in law or on facts of the case. The petitioner has not prayed for proper relief of declaration, without prying for declaration the petitioner has filed suit for permanent injunction for which the suit is to be dismissed. The petitioner has not joined Mr. Raghu to whom the power bead was executed on 03.04.2002 for that reason this petition is to be dismissed.

3.2. Further submits that the petitioner is not in possession of the suit scheduled property. The petitioner has executed power of attorney deed in favor of the 2 and 4th respondents. Based on the said power of attorney deed the respondents have executed registered sale deed in favor of first respondent and has delivered the possession on the same date. The petitioner has no cause or action to file the suit. Appadhurai legal heirs executed an unregistered sale agreement in favor of Mr. Arasan and fixed consideration for rupees 35,000 and received 25,000 and as advance. Later the said Appadurai and legal has failed to execute the registered sale deed in favor of the first respondent the first respondent continuously asked for execution of sale deed the legal heirs of Appadurai asked for excess amount for which the first respondent agreed and sale deed was executed in favor of first respondent and possession was also delivered. There is no necessity for the respondent to create forged documents Hence prayers to dismiss this petition with cost.

3.Points for consideration:

Whether this petition is to be allowed or not?

No oral evidence was examined and no documentary evidence was marked on the side of the petitioner. No oral evidence was examined and Ex.R1 to Ex.R3 was marked on the side of the respondent.

4.Discussion and findings:

4.1. Heard both sides. Perused the records. The case of the petitioner is that the suit property originally belongs to the father of petitioner Mr. Appadhurai. After the death of Mr. Appadhurai the legal heirs were in possession and enjoyment of the same. The respondents 2 and 4 through fraudulent has executed sale deed in favor of 1st respondent. Thus, prays for interim injunction. Whereas, the respondents contends that the power of attorney deed is valid and binding on the legal heirs of Mr. Appadhurai only after receiving life certificate of the Mr. Appadhurai sale deed was executed in favor of 1st respondent and denies petitions allegations.

4.2. Upon Perusal of rival submission this court is of opinion that the relief sought in this petition and the relief sought in the main suit is one and the same. It is pertinent to note that the petitioners have not come forward to adduce any document to prove their case. Hence, prima facie not proved. On the other hand, the respondent adduced Ex.R1 is the sale deed dated 25.04.2019 in favor of 1st respondent . Ex.R2 is the patta pass book in the name of Krishnammal. Ex.R3 is the sale agreement dated 16.10.1992 executed by legal heirs of Appadhurai in favor of Arasan father of 1st respondent. From perusing Ex.R1 it is seen that the petitioners has executed sale deed in favor of 1st respondent. It is clearly seen that there is serious dispute with respect to who is in possession of suit schedule property. Considering that Prime facie not proved and already issues have been framed in the main suit and is ripe for trial the petitioner can contest and conduct trail in the main suit. Hence, in interest of the justice this court is not inclined to allow this petition.

In result this petition is dismissed. No cost.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 30th day of the October 2025.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits:- NIL

Respondent side witnesses :- NIL

Respondent side Exhibits :-

Ex.R1	25.04.2019	Sale deed
Ex.R2	-	Patta pass book in the name of Krishnammal
Ex.R3	16.10.1992	Sale agreement

District Munsif,
Arakkonam.