

**DMC ARAKKONAM 1 IA.No.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 27th day of November 2025

IA.No.01 of 2024

IN

OS.No. 10 of 2024

(CNR - TNRP0800001452023)

1. Mr.A.Prabakaran

---Petitioner/Plaintiff

(vs)

1. Mr. Dhayalan

2. Mrs. Laila

3. Mr. Dharmadurai

4. Mr. Meenakshi

---Respondents/Defendants

This petition is coming for final hearing before me on 19.11.2025 in the presence of Mr.K.Chozhan counsel appearing for Petitioner/plaintiff. Mr.S.Md.Jamaludeen counsel appearing for R1 and R3. R2 and R4 are set exparte on 19.11.2025. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

ORDER

The petition is filed under order 2 Rule 2(3) of CPC to grant an order of ad-interim injunction restraining the defendants her man or men, agent or agents, servant or servants, or any other persons claiming right under him from any illegal in tresspass or any disturbance in the property bearing S.No.296/8A, 268/2C,296/8C, 296/8E, 298/2A, 298/3A2, 65/1A10, 66/2,66/5, 67/26 to an extent of 1.80 Acres,

bearing patta No.3, in Thanigaipolur Revenue village, Arakkonam Taluk, Ranipet District.

1.Brief Averments of petition:

1.1. The petitioner states that the originally petitioner's father Mr.Appadurai had owned and possessed a larger extent of land in S.No. 296/8A, 296/8C, 296/8E, 298/2C, 298/2A, 298/3A2, 65/1A1O, 66/2, 66/5, 67/26 to an extent of 1.80 Acres, bearing Patta No.3, Thanigaipolur Revenue Village, Arakonam Taluk, Ranipet District previously Vellore District. Petitioner's father Mr.Appadurai expired on 10.11.1990 leaving behind his 1st Wife Mrs. Nagammal, 2nd Wife krishnammal and 3 Sons and 4 daughters namely Mr.Vijayendran, Mr.Raghu, Mr.Prabhakaran and Mrs.Anusaya, Mrs.Kumari, Mrs. Mala, Mrs.Jayachithra to inherit the property in common as such all the said legal heirs were enjoying the property in common and involved in cultivation.

1.2. The petitioner states that based on the fraudulent power of attorney of the year 2002, in the year 2019 the wife of the 1st Defendent. Mrs. Laila and Mrs. Meenakshi, who is also related to the 1st Defendent, had executed a registered sale deed dated 25.04.2019 bearing No.1808 of 2019 on the file of Joint II Sub Registrar, Arakkonam in favour of the 1st defendant. It is pertinent to state that his brother Mr.Vijayendran expired on 25.03.2009 being so a life certificate was obtained on 25.04.2019 as if petitioner's brother was alive on that date, as such impersonated and forged the signature in order to execute the aforesaid sale Deed.

1.3. The petitioner states that the coming to knowledge about the execution of the fraudulent Document a complaint/representation dated 02.07.2019 was given before the District Registrar, Arakonam by post and similarly a complaint was also given to the superintendent of police, Arakonam, Ranipet and to the Collector, Ranipet District. The Plaintiff further states that subsequent to the complaint an enquiry notice dated 16.08.2019 was served to participate in the enquiry proceedings on 28.08.2019.

1.4. The petitioner states that the filed Writ Petition in W.P.No.9302 of 2022 before the Hon'ble High Court to cancel the fraudulent sale deed bearing Doc No.1808 of 2019. The Hon'ble High Court after perusing the entire records and hearing both his side as well as Government side has passed detailed order on 13.04.2022 to conduct enquiry based on petitioner complaint to cancel the fraudulent sale deed. After careful perusal of all documents on 04.07.2023 District Registrar, Vellore District ordered No.3418/A2/2022 to cancel the forged sale deed dated 25.04.2019 bearing No. 1808 of 2019 on the file of Joint II Sub Registrar, Arakkonam. 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 goondas.

1.5. The petitioner states that the defendant commenced their illegal activities, by trespassing the right of my suit property, and I was forced to file the present suit. I did not filed any similar suit before this Hon'ble Court or any other court of law, praying similar relief. Hence the plaintiff has no other alternative remedies, except to file a suit for a permanent injunction restraining the defendants his man or men, agent or agents, servant or servants, or any other person claiming right under him from interfering with the plaintiff peaceful possession and enjoyment of the suit mentioned property and other reliefs. Therefore prays to grant an order of ad-interim injunction restraining the Defendants.

2.Brief Averments of Counter:

2.1. The petitioner is not entitled for injunction in view of the fact that this respondent is in peaceful possession and enjoyment of the suit schedule property as absolute owner in and by virtue of the Registered Sale deed dated 25.04.2019 to the knowledge of the petitioner and his family members without any interruption or disturbance. The petitioner is neither in possession nor having right and title to the suit schedule property. On the other hand ever since the date of purchase this

respondent is in possession and enjoyment of the suit schedule property as absolute owner.

2.2. The respondent states that the Registered Power of Attorney deed dated 03.04.2002 is valid and binding on the petitioner as well as others persons who was executed the said deed. However neither the petitioner nor other parties challenged the said Power of Attorney deed dated 03.04.2002 before any court of law and accordingly the claim of petitioner is not bonafide and genuine one. The documents as alleged by the petitioner and therefore the petitioner legally cannot shift the burden on the part of bonafide purchaser namely 1st respondent.

2.3. The respondent states that there is no dispute with regard to the survey numbers and extent of the suit schedule of the properties that is an extent of 1.80 acres, Patta No.3 as alleged. The legal heir of deceased Appadurai namely petitioner and others have obtained life certificate and handed over the same to the respondents 2 and 4 in order to execute the Registered sale deed dated 25.04.2019 bearing document No.1808/2019. Therefore the Power of Attorney namely the respondents 2 and 4 are in no way connected with the alleged transactions and moreover this respondent being bonafide purchaser is in no way connected with the alleged transactions. This respondent had purchased the properties for valid sale consideration and the properties were delivered to this respondent on the date of sale deed itself.

2.4. The respondent states that for valid consideration a sum of Rs.4,37,000/- the sale deed was executed by the respondents 2 and 4 for the benefit of legal heirs of deceased Appadurai. Accordingly the property was purchased for valid consideration and possession also delivered to this respondent. This respondent being bonafide purchaser the petitioner is not legally entitled to question the sale deed dated 25.04.2019 and moreover the petitioner and other legal heirs also being parties to the power of attorney, the petitioner is not legally entitled to question the same in respect of other sharers.

2.5. The respondent states that the legal heirs of deceased Vijendran neither questioned nor challenged the sale deed dated 25.04.2019 and more particularly the petitioner is not having any right to question the share of deceased Vijendran. Under these circumstances the sale deed dated 25.04.2019 is legally valid and binding on the petitioner. The respondent states that already the petitioner has given cause of action to file the suit in respect of the suit schedule property. As 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).

Therefore prayed to dismiss the suit with cost.

3.Points for consideration:

Whether this petition is to be allowed or not?

On the side of petitioner no oral evidence was examined and no exhibits were marked. On the side of respondent no oral evidence was examined. Ex.R1 to Ex.R8 were marked.

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 is with respect permit petitioner to file suit for same cause of action, while going through the affidavit this could not find any reasons for filing suit

in same cause of action. 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 the sale deed dated 25.04.2019 in favor of 1st respondent . Ex.R2 is the Patta pass book in the name of Kishtammal. Ex.R3 is the sale agreement dated 16.10.1992 executed by legal heirs of Appadhurai in favor of Arasan father of 1st respondent. Ex.R4 is the Regd General Power of Attorney executed by the legal heris of deceased Appadurai infavour of Laila and Meenatchi (i.e) defendants 2 and 4 vide doc.No.44/2002. Ex.R5 is the Mortgage deed executed by Appadurai infavour of one Ayyakannu inrespect of suit schedule property. Ex.R6 is the Discharge Receipt doc. No.1806/2019 executed by legal heirs of one Ayyakannu infavour of Appadurai. Ex.R7 is the Discharge receipt executed by Mani infavour of A.Kishtammal & others inrespect of suit schedule property & other property. Ex.R8 is the CD with Photo. 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 and it is clear that title is in dispute. This court is of opinion that the petitioner has prayed for temporary injunction in affidavit and seeks for Order2 rule 2 permission in petitioner. Thus, this court could not find any satisfactory reasons for allowing this court. 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 27th day of the November 2025.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits:- NIL**Respondent side witnesses :- NIL****Respondent side Exhibits :-**

Ex.R1	25.04.2019	Regd Sale deed executed infavour of Dayalan (1 st defendant) vide doc.No.1808/2019
Ex.R2	-	Patta pass book stands in the name of Krishtammal under patta No.3.
Ex.R3	16.10.1992	Unregistered sale agreement executed between the legal heirs of Late. Appadurai and Arasan that's 1 st defendant's father inrespect of suit schedule properties.
Ex.R4	03.04.2002	Regd General Power of Attorney executed by the legal heris of deceased Appadurai infavour of Laila and Meenatchi (i.e) defendants 2 and 4 vide doc.No.44/2002
Ex.R5	16.08.1980	Mortage deed executed by Appadurai infavour of one Ayyakannu inrespect of suit schedule property.
Ex.R6	25.04.2019	Discharge Receipt doc. No.1806/2019 executed by legal heirs of one Ayyakannu infavour of Appadurai.
Ex.R7	25.04.2019	Discharge receipt executed by Mani infavour of A.Kishtammal & others inrespect of suit schedule property & other property.
Ex.R8	-	CD with Photo.

District Munsif,
Arakkonam.