

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICT

Present: **Thiru. M.Selvam, B.A., B.L.,**
District Munsif, Mettur
Monday, this the 16th day of March 2026

I.A.No. 02 of 2025

in

O.S. No. 25 of 2025

(CNR No.TNSA17-000028-2025)

Mr. Palani

...Petitioner/Plaintiff

/versus/

1. Mr. Balraj
2. Mr. Sivanandam
3. Mr. Velusamy
4. Mr. Rathanavel
5. Mrs. Malliga
6. Mr. Sakthivel
7. Mrs. Santhiya
8. Mr. Palanisamy
9. Mr. Thamarai @ Sundaram
10. Mr. Chinnathayee

... Respondents/Defendants

This petition is heard in the presence of Thiru. P. Gopinath., B.Sc, B.L., the Learned counsel for the Petitioner/Plaintiff and Thiru. D. Senthil Kumar., B.A., B.L., the Learned counsel for the Respondents/Defendants. Enquiry heard on both sides and having stood over for my consideration till this day, this court delivered the following,

ORDER

Petition filed by the petitioner/plaintiff Under Order 39 Rule 1 and 2 of C.P.C to pass an order of temporary injunction restraining the respondents and their men, agents, coolies from in any way interfering with the petitioner's peaceful possession and enjoyment of the suit property by committing illegal trespass into it or any other means till the disposal of the original suit.

1. Brief facts in the petition is as follows:

1.1. The petitioner is the plaintiff in the original suit. The suit property originally belongs to One Kolandai Gounder and out of the partition, the suit property was allotted to his son Prakasam. The petitioner had verified the title, possession and also measured the property and fixed with proper boundary stones and purchased the same from the said Prakasam. From the date of the purchase, the petitioner is in possession of the same without any let or hindrance.

1.2. The respondents are the neighbour land owners and are relatives to the petitioner and third party to the suit property. The respondents, who are all having eyes over the same had demanded the petitioner to sell the properties to them. Since, the petitioner was not amenable, the respondents got vengence and was often picked up quarrels with the petitioner and their family members without any reason.

1.3. The respondents 5 to 7 ranging out of a petty quarrel, all of sudden came near the suit property along with rowdy elements and made attempt to trespass with an object to grab the suit property and to damage the live fencing. But the same was restrained by the petitioner with the help of some respectable persons in the area. While leaving, the respondents had challenged that they will come again within short period with more element. Though the petitioner had lodged complaint before the Mettur Police Station, they had not considered the same, due to the influence of the respondents.

1.4. On due advice of the mediators, the petitioner had arranged for the measurement of the suit property through the surveyor and marked the boundaries and fixed the measurement. On measurement, it shows that out of the stone ridges one feet of land left for maintaining ridges around the suit property. Knowing the same, the respondents had willfully created annoyance and removed the stones.

1.5. Immediately, the petitioner had also lodged a complaint, but the police were inactive. Again on 29.12.2024, the respondents tried to obstruct and openly proclaimed that they will achieve their goal at any point of time. The petitioner was apprehended that they always come back with blacky unenrolled persons and do everything in their favour unlawfully. Hence, this suit is filed along with this application for an order of temporary injunction.

2. Brief facts in the written statement filed by the respondents/defendants, which was adopted as counter in this petition is as follows:

2.1. The respondents/defendants specifically denied the averments put forth by the petitioner in his petition. It is true that the suit property belongs to One Prakasam. The respondents were not aware about the purchase of the suit property by the petitioner. It is also false that the petitioner had purchased the suit property after measuring the same. There is no necessity for the respondents to purchase the suit property and they were also not so wealthy.

2.2. The properties of the respondents are situated on the northern side of the suit property. The petitioner had took possession of the suit property in the year 2010 from the said Praksam and was being in possession of the same. Even before 30 years, the respondents were in possession of the one feet of land as per the advise of the said Prakasm and without any objection from him. After the alleged purchase made by the petitioner in the year 2019, the respondents alone in possession of the said one feet of land and the same was annexed with the land of the respondents.

2.3. In such circumstances, the petitioner and his son had poisoned and killed the chickens belongs to the respondents 5 to 7. Since, the respondents had lodged complaint as against them and the police had also took action, in order to take

revenge, the petitioner had filed this false suit. Hence, the suit itself is liable to be dismissed along with this temporary injunction application.

3. No oral evidence on either side. Ex.P1 to Ex.P7 marked on the side of the petitioner/plaintiff. No documents marked on the side of the respondents/defendants.

4. Point For Consideration:-

(i) Whether the petitioner is entitled for the relief of temporary injunction as sought for in the petition ?

5. Both side rival submissions heard with regard to their respective pleadings and perused the materials on record. The petitioner/plaintiff had filed the original suit for the relief of permanent injunction restraining the respondents/defendants, their men, agents, servants or anyone on his behalf from in any manner disturbing the petitioner's peaceful enjoyment in the suit properties by committing illegal trespass into it or by any other means along with this interlocutory application for the relief of temporary injunction in this regard till the disposal of the suit.

6. This court carefully perused the pleadings and the exhibits filed by the parties. Before going in to the discussion, this court wants to emphasis that it is well settled position of law that the courts should not proceed for mini trial of the suit while granting or refusing an application for temporary injunction. It is also long established that for granting of temporary injunction courts has to be satisfied of three factors namely Prima Facie Case, Balance Of Convenience and Irreparable loss.

7. It is the case of the petitioner/plaintiff, that the suit property belongs to One Prakasm vide a partition held in their family and he had purchased the same from him and was being in possession of the same. The respondents, who were the

neighbour land owners had demanded him to sell the suit property. Since, the petitioner was not amenable, they started to quarrel with the petitioner and their family members without any reason. While the matter is being so, the respondents 5 to 7 ranging out of a petty quarrel, all of sudden came near the suit property along with rowdy elements and made attempt to trespass with an object to grab the suit property and to damage the live fencing. But the same was restrained by the petitioner with the help of some respectable persons in the area. While leaving, the respondents had challenged that they will come again within short period with more element. On due advice of the mediators, the petitioner had measured the suit property and wherein, it shows that out of the stone ridges one feet of land left for maintaining ridges around the suit property. The respondents willfully created annoyance and removed the stones. Immediately, the petitioner had also lodged a complaint, but the police were inactive. Again on 29.12.2024, the respondents tried to obstruct and openly proclaimed that they will achieve their goal at any point of time.

8. In order to substantiate his claim, the petitioner had marked Ex.P1 to Ex.P7. Ex.P1 is the sale deed dated 14.10.2019 in favour of the petitioner in respect of the suit property executed by One Prakasm and his sons. Ex.P2 is the patta transfer order dated 25.10.2019 passed by the Tahsildar, Mettur transferring the patta for the suit property in the name of the petitioner. Ex.P3 is the patta for the suit property in the name of the petitioner. Ex.P4 is the FMB sketch showing the suit property. Ex.P5 is the kist receipt dated 10.01.2025 paid in respect of the suit property in the name of the plaintiff. Ex.P6 is the encumbrance certificate of the suit property. Ex.P7 is the aadhar card of the petitioner. The above exhibits shows that the petitioner had purchased the suit property vide Ex.P1 registered sale deed and was being in lawful possession of the same.

9. The respondents had not disputed the ownership of the suit property or it's possession in favour of the petitioner. The only contention raised by the

respondents is that even before 30 years from the purchase of the suit property by the petitioner, the respondents were in possession of the one feet of land as per the advise of the said Prakasm and without any objection from him and even after the purchase, they alone were in possession of the said one feet of land and the same was annexed with the land of the respondents. Admittedly, the respondents herein had not produced any materials to establish their contention to the above said effect.

10. It is well settled that pleadings are not evidence and that a party who wants to prove anything as made out in his/her pleadings has to given evidence to prove his/her assertions. The above legal proposition was also observed by **Our Hon'ble Supreme Court** in the case of **U.P. State Electricity Board & Anr vs Aziz Ahmad** in **CIVIL APPEAL NO. 318 OF 2009**. Hence, the contention of the respondents to the above said effect cannot be accepted in this petition. Since, this is only an interlocutory application for the relief of temporary injunction in respect of the suit claim, the contentions of the respondents are left open in order to be decided in the original suit proceedings after considering the evidence, if any, let in by the parties.

11. At the same time, the petitioner herein had prima facie established his right over the suit property and his lawful possession therein. Such being the position, if the possession of the petitioner was interfered unwarrantedly, then the petitioner would suffer irreparable loss, which could not be compensated in any manner. This court further forms opinion that if the injunction is refused, the weigh of the balance of the inconvenience which is likely to be caused to the petitioner will be greater than that of the respondents. Therefore, from the overhaul discussion and in the interest of justice, this court is inclined to allow this petition.

In the result, this petition is hereby allowed. The respondents/defendants and their men, agents, coolies are hereby restrained by way of temporary injunction from in any way interfering with the petitioner's peaceful possession and enjoyment of the suit property by committing illegal trespass into it or by any other means till the disposal of the original suit. Considering the facts and circumstance of this case, there is no order as to costs.

This order is typed by me in my official laptop, corrected and pronounced by me in the open court on this 16th day of March 2026.

**District Munsif,
Mettur.**

Petitioner side witnesses: Nil

Petitioner side exhibits:

Ex.P1	14.10.2019	Sale deed infavour of the plaintiff	Certified copy
Ex.P2	25.10.2019	Patta transfer order	Online copy
Ex.P3	04.11.2019	Computer Patta No. 2565	Online copy
Ex.P4	01.01.2006	FMB sketch S.No.257/1A	Online copy
Ex.P5	10.01.2025	Kist receipt	Original
Ex.P6	31.12.2024	Encumbrance certificate from 01.01.1987 to 30.12.2024	Online copy
Ex.P7	...	Aadhaar card of the plaintiff	Photocopy

Respondents side exhibits and witnesses : Nil

**District Munsif,
Mettur.**