

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Thursday, the 12th day of February, 2026

IA.No.01/2023

in

IA.No.100/2023

1. Amburose

2. Arockiasamy

...Petitioners

-Vs-

1. Pandi

...Respondent

This petition is coming before me for final disposal in the presence of Thiru.K.Periyasamy learned advocate for the Petitioner, Thiru.K.Vairamuthu learned advocate for the Respondent. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER

The petition is filed under Order XXXIX Rule 1,2 and Section 151 of CPC

1. The averments in the petition are as follows:

1(i). The petitioner is the first plaintiff in main suit. He is the brother of the second plaintiff. The petitioners belong to Meyappanenthal village. The petitioner states that they have property in the said village along with the properties in Arayani village and madathanendhal village. The petitioner states that he has been in possession and enjoyment of all the above properties by

cultivating the same. He states that the suit property was bought by their father from one Mr.Arulandhu Devar by a registered sale deed dated 23/05/1973. The certified copy of the sale deed is produced as document number one. The petitioner states that the petitioners have been in possession and enjoyment of the above said property by cultivating the same along with their father. He also states that the property was bought by their father only for the purpose of agriculture. He states that the said sale deed was executed by the above said Arulandhu Devar for himself, and on behalf of his minor sons. He states that the property is of survey number 350 to an extent of 90 cents and states that the property is very much essential for them for purpose of cultivation as the said property is located within half kilometre from the village where the petitioners reside.

1(ii) The petitioners' father has died on 05/05/2003 whose death certificate is produced document number two. The petitioner has been in enjoyment of the property by cultivating the same. The copy of the petition given by the petitioners to the Tahsildar of Devakottai, the Revenue Divisional Officer of Devakottai and the District Collector of Sivagangai requesting Patta are produced as document number 3 to 5 respectively and Aadhaar card copies of the petitioners are produced document number 6,7 respectively and ration card as document number 8,9 respectively. Petitioner states that the respondent is a powerful person and has been attempting to fence the suit property on 17/11/2023, which was prevented by the petitioners. The petitioner states that the respondent cannot be controlled otherwise than under the order of the court. He states that the property is very much important to the petitioners and hence he has filed this petition seeking for the relief of temporary injunction against the respondent until the disposal of the suit. Hence he prays for the petition to be

allowed.

2. Averments in the counter are as follows:

2(i). The respondent denies the contention of the petition and states that the petitioners are in no way related to the suit property. He also refuses the fact that the property is situated in Arayani Village. The respondent states that the suit property is situated in Ammani village of Puliya Revenue Village. Respondent states that the suit properties are the property of the respondent and the SLR for the suit property exist jointly in the name of Arulanandhu, Soosai Devar, Pichaikutty Udayar, and Arulandhu. The copy of the SLR is produced document number one. Now the suit property has been subdivided into survey number 350/1A, 350/1B, 350/1C and a joint Patta has been issued. the survey number 350/1 is totally to an extent of 11 acres and the subdivision of survey number 350/1A is to an extent of 10 acres in which the respondent's share is to an extent of 5 1/2 acres, which is in possession and enjoyment of the respondent. The 10 (1) for the same is produced as document number two. In the meanwhile, the petitioners have created a forged document with respect to 90 cents of the suit property as if the respondents' father has given the same and has been causing trouble to the respondent.

(ii). The encumbrance certificate of the property is produced as document number 3 to show that no registered document with respect to the property has been executed. The respondent also denies the fact that the plaintiffs are cultivating their property and stated that it is vacant land and has been covered by palm trees and Karuvelm trees. The respondent also states that he has built a brick kiln in survey number 350/18 of an extent of 2 acres and has been conducting business in the same. The respondent also states that the petitioner has filed a suit in OS.No.103/2023 with respect to the same facts against the

same respondent based on a similar registered sale deed. Hence he states that the petitioners have filed this suit with an intent to acquire money from the respondent based on forged documents, and hence he prays for the petition to be dismissed.

3. Now the question to be decided is whether the petition has to be allowed or not?

3(i). Both side averments perused. The petition has been filed seeking a prayer of temporary injunction with respect to suit property against the respondent until the disposal of the suit. The petitioner has stated that his father has bought the suit property by a registered sale deed. On the other hand, the respondent has denied the contentions of the petition and has stated that their father did not execute any sale deed with respect to the suit property and that the said document is a forged one. Both side averments perused. The petitioner in order to prove his case has marked four exhibits. On perusal of exhibit P1, it becomes clear that Arulanandhu Devar son of Mariyasoosai Devar has executed a registered sale deed with respect to survey number 350 to an extent of 90 cents. On perusal of Exhibit P2 to P4, it becomes clear that the petitioner has given petitions to the Tahsildar of Devakottai, Revenue Divisional Officer of Devakottai and District Collector Sivagangai requesting for Patta for the above said property in his name. On the other hand, the respondent in order to prove his case has marked three exhibits. On perusal of exhibit R1, it becomes clear that the SLR for survey number 350 exist jointly in the name of Arulanandhu, Soosai Devar, Pichaikutty Udayar, and Arulandhu. On perusal of Exhibit R2, it becomes clear that the Sub-Registrar of Thiruvadanaï has given no encumbrance certificate with respect to survey number 350. On perusal of Exhibit R3, it becomes clear that the patta for survey number 350/1A, 350/1B, 350/1c exists

jointly in the name of Arulanandhu, Soosai Devar, Arulandhu Devar. On perusal of both side documents, it becomes clear that the plaintiffs' father has got the suit property by registered sale deed. On the other hand, the respondent has provided only revenue documents and SLR copy stating that the survey number 350 exist jointly in the name of his family members. It is a well settled principal that a registered sale deed or registered title document presides over any revenue documents as the former is a title document and the latter is a revenue document only for the purpose of collecting taxes.

3(ii). Hence the petitioner, in the present case has proved that prima case exist in his favour as it is clear on perusal of exhibit A1. Until the above exhibit is disproved through trial, the same shall stand good. since the prima facie case exists in favour of the petitioner, the petitioner has also established the fact that the balance of convenience is in his favour. Since the petitioner has shown prima facie ownership over the property, it becomes clear that not granting temporary injunction would cause him irreparable loss and injury rather than to the respondent. Hence the petitioner has proved the essential requirements of a temporary injunction. Thus, in the interest of justice this petition is allowed and the respondents are here by restrained from disturbing the peaceful possession and enjoyment of the suit property by the petitioners until the disposal of the suit. No order as to cost.

4. Decision

In the end, this petition is allowed and the respondents are here by restrained from disturbing the peaceful possession and enjoyment of the suit property by the petitioners until the disposal of the suit. No order as to cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open Court on 12th day of February 2026.

**District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioners-Nil-

List of documents on the side of the Petitioners-Nil-

List of witnesses on the side of the Respondent-Nil-

List of documents on the side of the Respondent-Nil-

**District Munsif,
Devakottai.**

**District Munsif Court,
Devakottai**

IA.No.01/2023

in

OS.No.100/2023

Dated: 12.02.2026

Draft/Fair Order
