



(IA.No.2/2025 in OS.No.9/2025)

IN THE COURT OF DISTRICT MUNSIF, AUNDIPATTI.

PRESENT: Thiru. E. Suganthan, B.A., L.L.M.,

District Munsif, Aundipatti.

Monday, the 6th day of April 2026

IA. No : 02/2025

in

OS. No : 9/2025

CNR. No.TNTH140000062025

Suresh Kumar

...Petitioner/Plaintiff

..Vs..

1. Tamilselvi

2. Senthil Kumar

3. Sub Registrar

4. District Collector

....Respondents/Defendants

This petition came up on 10.02.2025 before this court for final hearing in the presence of Mr.A.Rajasekaran, Advocate for the Petitioner and Mr. B. D.Palpandi, Advocate for the 1st and 2nd Respondents and Government Pleader Mr.M.Chinnakannan appeared for 3rd and 4th Respondent and Upon hearing the arguments on both sides and having stood over till this day for my consideration, this court delivers the following...

**ORDER****This petition is filed by the petitioner/plaintiff seeking the following reliefs:**

i) To grant an order of interim injunction restraining the defendants from in any manner alienating or encumbering the suit property pending disposal of the suit;

ii) To grant an order of temporary injunction restraining the 3rd defendant from creating, registering, or in any manner dealing with any documents relating to the suit property pending disposal of the suit.

2. Case of the Petitioner/Plaintiff :

i. The case of the petitioner/plaintiff is that the suit properties are ancestral properties belonging to his family. His father, Late Karupathevar, had executed two settlement deeds, namely Document No. 4376/2015 in favour of the 1st defendant and Document No. 7011/2021 in favour of the 2nd defendant, thereby conveying the suit schedule properties in their favour.

ii. According to the petitioner, the said settlement deeds are null and void, as they were executed without his knowledge and consent. It is his specific contention that he is entitled to a legitimate share in the suit properties. Hence, it has become necessary to restrain the defendants from in any manner dealing with or alienating the suit properties on the strength of the said documents, pending disposal of the suit.

**3. Facts in the Counter filed by the Respondent:**

i. Per contra, the respondents/defendants have filed their counter contending that the suit properties were originally allotted to Late Karupathevar in a partition effected between him and his brother. Thereafter, the said Karupathevar had further partitioned his share and settled the respective portions in favour of the petitioner and defendants 1 and 2.

ii. It is further contended that the petitioner had already dealt with the properties allotted to him by selling an extent of 74 cents and 50 cents to third parties, namely Rajendira Gandhi and Velumurugan. It is also stated that the petitioner had approached the 2nd defendant for sale of the remaining extent of $2\frac{1}{4}$ acres allotted to him and had received an advance amount of Rs.2,00,000/- from the 2nd defendant.

iii. The respondents further submit that the 1st defendant is the second wife of Late Karupathevar and the 2nd defendant is their son. According to them, the petitioner, having already enjoyed and alienated his share, has filed the present suit with an ulterior motive to grab the properties of the defendants by obtaining a favourable order in this petition.

iv. Hence, contending that the petitioner has no prima facie case and that the balance of convenience is not in his favour, the respondents have prayed for dismissal of the petition with costs.

**4. Points for Determination:**

Now, the point for determination is

Whether the petitioner is entitled to the relief of temporary injunction restraining the defendants from dealing with the suit properties till disposal of the suit?

No oral and documentary evidence adduced on either side.

5. Discussion and reasoning:

i) I have given my anxious consideration to the rival submissions made by the learned counsel appearing on either side and perused the entire materials available on record. The present suit has been filed by the petitioner/plaintiff seeking a declaration that the settlement deed bearing Document No. 4376/2015 executed in favour of the 1st defendant and the settlement deed bearing Document No. 7011/2021 executed in favour of the 2nd defendant are null and void.

ii) The contention of the petitioner/plaintiff is that the suit properties are ancestral in nature and belong to the joint family, and therefore, his father, Late Karupathevar, had no absolute right to execute the impugned settlement deeds in favour of defendants 1 and 2, excluding the plaintiff. On that basis, the plaintiff seeks an order of interim injunction restraining the defendants from dealing with the suit properties pending disposal of the suit.



iii) A perusal of the plaint reveals that the plaintiff has categorically admitted that the suit properties were allotted to his father, Karupathevar, in a partition that took place in the year 1985 between him and his brother Mayee. It is further seen that subsequent to such partition, the said Karupathevar had dealt with the properties as absolute owner. The plaint itself discloses that he had sold an extent of 52 cents to one Rajendira Gandhi in the year 2005. Thereafter, he executed a settlement deed in favour of the 1st defendant in respect of 50 cents in Survey No. 690/1A under Document No. 3883/2009. Subsequently, he settled a further extent of 4 acres and 48 cents in the same survey number in favour of the 1st defendant under a registered settlement deed dated 14.09.2015 bearing Document No. 4376/2015 on the file of the Sub-Registrar, Aundipatti. Thereafter, in Survey No. 686, an extent of 74 cents was settled in favour of the Plaintiff under registered settlement deeds bearing Document Nos. 7010/2021 and another 74 cents was settled in favour of the 2nd Defendant on the same day by virtue of settlement deed document No. 7011/2021.

iv) It is the specific case of the plaintiff that at the time of execution of the settlement deed in favour of the 2nd defendant, he raised objections, and his father had allegedly assured him that the property in Survey No. 690/1A would be conveyed to him. However, after the demise of his father, on applying for an Encumbrance Certificate, the plaintiff came to know that the said property had already been settled in favour of the 1st defendant. Though the defendants



allegedly assured to settle the matter, no conveyance was executed in his favour, which led to the filing of the present suit.

v) From the averments in the plaint, it is evident that the plaintiff had knowledge of the execution of both the settlement deeds. So far as the settlement deed in favour of the 1st defendant is concerned, the same was executed in the year 2015, whereas the present suit has been filed only in the year 2025, after a lapse of more than ten years. Similarly, though the plaintiff claims to have objected to the settlement deed in favour of the 2nd defendant at the time of its execution in the year 2021, he has not taken steps to challenge the same within the period prescribed under law.

vi) In view of the above categorical admissions, this Court is of the considered view that the present suit appears to be prima facie barred by limitation. The plaintiff, having been aware of the execution of the impugned documents, has failed to approach this Court within the prescribed period of limitation of three years. Such belated challenges, without any satisfactory explanation, cannot be countenanced.

vii) It is well settled that for the grant of temporary injunction, the plaintiff must establish a prima facie case, balance of convenience, and irreparable injury. In the present case, in view of the apparent bar of limitation and the conduct of the plaintiff, this Court finds that no prima facie case has been made out. In the



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absence of a prima facie case, the other ingredients, namely balance of convenience and irreparable injury, do not arise for consideration.

viii) Accordingly, this Court holds that the plaintiff is not entitled to the relief of temporary injunction as prayed for, and the petition is liable to be dismissed.

In the result, this petition is dismissed. No costs.

Directly typed by me in my laptop, formatted by steno, corrected and pronounced by me in the open court, on this 6th day of April 2026.

**District Munsif,
Aundipatti.**

List of Petitioners/Plaintiffs side witnesses and documents: Nil

List of Respondents/Defendants side witnesses and documents : Nil

**District Munsif,
Aundipatti.**



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**District Munsif Court,
Aundipatti.
IA. No : 02/2025
in
OS. No : 9/2025
Fair Order
Dated: 06.04.2026**