

**IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM**

**PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,  
Subordinate Judge, Palladam**

**Friday of 31<sup>st</sup> October, 2025**

**IA No.1/2024**

**in**

**OS No.61/2024**

- 1.Subramaniam
2. Murugasamy
3. Balusamy

... Petitioner / Plaintiff

*/Vs/*

1. Chinnammal
2. Saraswathi
3. Arukkani
4. Viswanathan

... Respondent / Defendant

This petition is coming on 31.10.2025 for final hearing before me in the presence of Thiru.J.Arthourkumar,B.A.,B.L., Advocate for the Petitioner and Thiru.A.Abdul Lattim,B.L., Advocate for the Respondents. Upon hearing both side arguments and on perusal of all connected material records and having stood over till this day for consideration, this court delivered the following..

**ORDER**

This application was filed by the Petitioner / Plaintiff as against the Respondent / 4<sup>th</sup> Defendant for granting an order of interim injunction restraining the Respondent / 4<sup>th</sup> defendant not to alienate or encumber the suit property.

2. The Learned Counsel for the Petitioner / Plaintiff argued that he filed the main suit for the relief of the Partition along with the declaration of

Settlement deed dated 28.09.2003 in Document number 5518 / 2003 as Null and void.

3. The Learned Counsel for the Petitioner / Plaintiff further argued that initially the suit property was purchased by father of the plaintiff and defendants namely Palanigounder by virtue of Sale Deed dated 25.01.1980. Thereafter the said Palanigounder died intestate but during 2022 it is brought to their notice that the 4<sup>th</sup> defendant had fabricated a Settlement Deed dated 28.09.2003 in document number 5518/2003 as if the said Palanigounder had executed a settlement deed in favour of the 4<sup>th</sup> defendant. Hence he filed a suit for relief of partition along with declaration of such Settlement Deed as Null and Void and prayed for interim injunction not to encumber the suit property till the disposal of the suit.

4. Per contra, The Learned Counsel for the Respondent / 4<sup>th</sup> defendant vehemently opposed that during the lifetime of the said Palanigounder he executed a Settlement Deed in document number 5518 / 2003 on 28.09.2003. From the date of Settlement Deed the Respondent / 4<sup>th</sup> defendant was been in possession and enjoyment over the same. Further other plaintiffs also executed a consent deed on 28.09.2003 itself. So prayed for dismissal of this application.

## **II. Now point for consideration is whether this application is allowed?**

5. Heard Both sides. Perused entire records. On Careful Perusal of records. Admittedly the Petitioner / Plaintiff had filed this suit for the relief of Partition along with the declaration of the Settlement Deed as Null and Void. Further on careful perusal of records it is the case of the Petitioner / Plaintiff that execution of the Settlement Deed on 28.09.2003 in document number 5518 / 2003 was brought to thier notice only on 2022. Regarding the limitation it is a mixed question of fact and law. Further from the face of records it is clear that already a Settlement deed was stands in the name of

the Respondent / 4<sup>th</sup> defendant from 2003 itself and it is subjected before this court. Hence at this point of time an interim injunction will not be warranted and main case is about to ripe for trial. So there is no prima facie case made out for want of Interim injunction and this petition is dismissed.

With this observation this application stands dismissed. No costs.

Dictated to the stenographer, transcribed and typed out by her, corrected and pronounced by me in open court this 31<sup>st</sup> October 2025.

Subordinate Judge,  
Palladam.

Fair / Final Order

IA. 1/2024 in OS 61/2024

Date: 31.10.2025