

IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

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

Friday of 31st November, 2025

**IA No.7/2025
&
IA No.8/2025
in
OS No.113/2024**

IA No.7/2025

T.Sivaganeshan ... Petitioner/ 1st Respondent / 1st Defendant

/Vs/

1. Nandakumar

2. Saraswathi

... Respondents 1 & 2 / Plaintiffs

3. The Commissioner, Palladam Municipality

... 3rd Respondent / 2nd Defendant

These petitions are coming on 25.10.2025 for final hearing before me in the presence of Thiru.V.Raveendran,B.Sc.,B.L., Advocate for the petitioner and Thiru.M.Balaji,B.Com.,L.L.B., Advocate for the Respondent. Upon hearing both side argument and on perusal of all connected material records and having stood over till this day for consideration, this court delivered the following..

IA No.8/2025

T.Sivaganeshan ... Petitioner/ 1st Respondent / 1st Defendant

/Vs/

1. Nandakumar

2. Saraswathi ... Respondents 1 & 2 / Plaintiffs

3. The Commissioner, Palladam Municipality

... 3rd Respondent / 2nd Defendant

These petitions are coming on 25.10.2025 for final hearing before me in the presence of Thiru.V.Raveendran,B.Sc.,B.L., Advocate for the petitioner and Thiru.M.Balaji,B.Com.,L.L.B., Advocate for the Respondent. Upon hearing both side argument and on perusal of all connected material records and having stood over till this day for consideration, this court delivered the following..

COMMON ORDER

Since both the I.A's in I.A.No.7/ 25 and the I.A.No. 8 / 25 filed by the Petitioner / 1st Defendant Under Order IXX Rule 1 and 2 to examine witness in Interim Injunction applications pending before this court in I.A.No.1 / 2024 and I.A. No.2 /2024, so both the applications are taken up for consideration at once by way of this common Order.

2. The Learned Counsel for the Petitioner / 1st Defendant argued that the Respondent / Plaintiff filed the suit for the relief of Specific

performance based upon an alleged Sale Agreement dated 08.02.2024, which is false and fabricated document and signature found in the alleged Sale Agreement was not the signature of the Petitioner / 1st defendant. Hence in order to adduce evidence for the same this application was filed under order IXX Rule 1 and 2 of CPC.

3. The Learned Counsel for the Respondent / Plaintiff vehemently argued that for consideration of application for Interim Injunction the recording of evidence is immaterial and placed his case for dismissal.

II. Now point for consideration is whether these petitions are allowed?

4. Heard Both sides. Perused entire records. On careful perusal of records admittedly the Respondent / Plaintiff filed the suit for the relief of Specific Performance based upon a Sale Agreement dated 08.02.2024. It is a specific case of the Petitioner / 1st Defendant that the signature found in the alleged Sale Agreement dated 08.02.2024 was not the signature of the Petitioner / 1st Defendant. Hence according to him for consideration of interim injunction application the adduce of evidence is essential over the case.

5. On other hand the Learned Counsel for the Respondent / Plaintiff vehemently argued that for interim injunction applications the evidence is immaterial and argued for dismissal of the application with heavy cost.

6. On careful consideration of both the sides on perusal of entire records admittedly it is a suit for Specific Performance and the Petitioner / 1st Defendant also filed his written statement and the main case itself about to ripe for trial. Hence all the issues involved in the suit are yet to be tried by way of evidence on either sides. Hence this application is not warranted at

this point of time and liable to be rejected.

Hence both applications is dismissed. No Costs.

Dictated to the stenographer, transcribed and typed out by her,
corrected and pronounced by me in open court this 31st November 2025.

Subordinate Judge,
Palladam.

Fair / Final Order

IA No.7/2025, IA No.8/2025 in OS
113/2024

Date: 31.10.2025