

IN THE COURT OF IVth ADDITIONAL DISTRICT JUDGE, UDUMALPET.

PRESENT: Thiru.M.Nambirajan,, B.A., B.L.,

IVth Additional District Judge, Udumalpet.

Wednesday, the 4th day of February, 2026

IA.No. 7 of 2025

in

O.S.No. 127 of 2025

R. Ranjithkumar

... Petitioner/Plaintiff

Vs.

1. K. Srihari

...Respondent/3rd defendant

2. Hemalatha

3. Vikaram Achuth Sri

... Respondents/Propose parties

This Petition came before me for final hearing on 23.01.2026 in the presence of Thiru.A.R.Hariprasaadh, Advocate for the Petitioner/Plaintiff and Thiru.K.N.Balamuralikrishnan Advocate for the Respondents/Proposed parties and having heard both sides and on perusal of the records and having stood over for consideration till this day, this court delivers the following :-

Order

This petition has been filed under Order 39 Rule 1 and 2 of CPC to pass an order of temporary injunction restraining the respondents in anyway alienating or encumbering the suit properties by the petitioner until the disposal of the above suit and also pass ad-interim injunction to the same effect till the disposal of this petition and render justice.

2. Precis on the petition:-

2.1) The petitioner herein and plaintiff in the suit. He has filed the above suit against the Respondents/Defendants for declaration and permanent injunction in respect of the suit properties restraining the Respondents/Defendants and their henchmen in anyway disturbing the Petitioner/Plaintiff peaceful possession and enjoyment of the petition "B"

Schedule property and also Respondent/defendant and their henchmen in anyway disturbing the Petitioner/Plaintiff rights over the petition "A" Schedule properties. His plaint may be read as part and parcel of this affidavit. The property more fully described hereunder in schedule are the agricultural land situated in S.F. No:465/A, and 466/B of Kongalnagaram village, Udumalpet Taluk and S. F No. 81, 81/1A, 86, 87 and 88 of Thottampatti Village, Udumalpet Taluk within the jurisdiction of this court. The petition mentioned properties originally belonged to one Lakshmi ammal by Virtue of "C" Schedule of the Partition deed dated 11/05/1955 vide Doc.No. 721/1955 of SRO Udumalpet.

2.2) The said Lakshmi ammal further executed a registered will dated 30/09/1985 vide Doc.No 133/BK/1985 before SRO Udumalpet upon which he had acquired the 'C' schedule property of the Will which is mentioned as petition "B" Schedule property hereunder. Further the said Lakshmi Ammal had allotted "A" Schedule property of the will to Sri Maiyammal temple, Sri Maahali Amman Temple and also to Sri Perumal Temple and the said "A" Schedule property of the will was maintained by the petitioner as a trustee which is mentioned as petition "A" Schedule property hereunder. As the said Lakshmi ammal does not have any issues she executed the above said will in favour of her relatives in respect of the Properties which she obtained from her husband through the above said Partition deed. Since, the he is the Grandson of the said Lakshmi ammal's brother late. Arangasamy Naidu, she allotted the suit "B" Schedule property to him and further he was also given a right to maintain the petition "A" schedule property as a trustee through the above said Will. The petitioner was in absolute possession and enjoyment of the suit "B" Schedule property. Further the respondent herein are the legal heirs of Jangamma Naidu the son of Gurusamy who is Lakshmi ammal's Husband's Brother. The said Jangamma Naidu is also one of the Party of the Partition deed dated 11/05/1955.

On 25/12/2024 the above said respondent with their henchmen wrongfully entered into the suit property and tried to dispossess him from the petition mentioned property and tried to construct a shed in the said property. Further, the petitioner prevented the act of the respondent along with his men working in the agricultural land with great difficulties. Further, the respondent threatened the petitioner claiming that the petition property absolutely belong to them who are the Legal heir of Jangamma Naidu according the Partition Deed dated 11/05/1955.

2.3) The Respondent claim that, In the Partition deed dated 11/05/1955 it was mentioned that the said Lakshmi ammal only got a Life Interest over the petition properties and it was also mentioned that after her life the properties will be transferred absolutely to the legal heirs of the said Jangamma Naidu. It is true that in the Partition deed it was mentioned that the suit property will be a life estate to the said lakshmi ammal and after her lifetime it will absolutely belong to the legal Heirs of Jangamma Naidu. But after the Introduction of the Hindu Succession Act, in the year 1956, and according to section 14 (1) which states as follows;

14. Property of a female Hindu to be her absolute property.

(1) Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her is full owner thereof and not as a limited owner Therefore, the plaintiff humbly submits that according to the above said section, of the said act, even though a life interest is created over the property of the said Lakshmi ammal it becomes her absolute property. Hence, as the property becomes her absolute property, she becomes the absolute owner of the petition properties and she acquires every right to alienate the petition mentioned property. Consequently, the Will made by her in respect of the suit properties and executed in favor of the petitioner is Valid. As per the Will dated 30/09/1985 the petitioner becomes the absolute owner of the petition property

and the respondent are not entitled to claim any rights over the petition property and are third parties to the suit property. But the respondent is trying to grab the petition mentioned property from the petitioner by threatening and making severe attempts to dispossess the petitioner from the petition property in a wrongful manner which resulted in the incident happened on 25/12/ 2024. As the consequence of the above said incident the petitioner had filed a complaint before the Sub-Inspector of Police, Gudimangalm Police Station for which a receipt numbered 344/2024 was provided. But since the respondent are not law-abiding citizens and have the support of Influential persons in the society, the acts of the respondent can only be prevented by obtaining an order from the Court. Hence, the petitioner had filed the above Suit.

2.4) The above suit is posted on 22/04/2025 for filing written statement of 3rd defendant. The 1 to 3 respondents/defendants do not have any right and interest over the suit properties. The 3rd Respondent/3rd Defendant had filed an application before the Revenue divisional officer, Udumalpet to change the patta in respect of the suit property in Na.Ka.No.37/2025 in which the Revenue divisional officer had pass an order to change the patta in his favour even after he has filed his objections based on the suit pending before this court. The Revenue divisional officer had passed unilateral order dated 14-03-2025 And change the patta without giving opportunity for filing the appeal. The petitioner has referred writ petition before the honorable High Court of judicature challenging the order of the Revenue divisional officer Udumalpet. In the meanwhile, based on the mutation of Patta. The 3rd Respondent/3rd Defendant along with the 4th Respondent/proposed party had executed a settlement deed in favour of the 5th respondents/proposed party by virtue of settlement deed dated 26/03/2025 vide document number 1338/2025 of SRO Gomangalam. The alleged settlement 1338/2125 deed is not valid and not binding upon him. In order to create cloud over the title of his property. The above said settlement

deed was executed by the 3rd Respondent/3rd Defendant along with the 4th Respondent, proposed party. The said settlement deed is affected by the doctrine of Lis pendence Under section 52 of Transfer Property Act the 3rd Respondent/3rd Defendant being the party of the suit appeared through his counsel in the above said suit ought to have obtain permission from the court to transfer the property. The 3rd Respondent/3rd Defendant had not obtained any relief from the court and made the above said transaction which is not tenable under law. After the change of revenue records the respondents 3 to 5 are trying to alienate or encumbering the suit properties to 3rd parties in order to defeat the petitioner right. He has the prima facie case and balance of convenience in his favour. If the temporary injunction is not granted, the petitioner will be put into irreparable loss and hardship. So, this court may be pleased to pass an order of temporary injunction restraining the Respondents in anyway alienating or encumbering the suit properties by the petitioner until the disposal of the above suit and also pass ad-interim injunction to the same effect till the disposal of this petition and render justice. Hence this petition.

3. Counter statement filed by the 1st respondent/ 3rd defendant:

3.1) This petition is false, frivolous, vexatious and not maintainable either in law or on facts of the case. This respondent does not admit any of the averments made in the petitions, affidavit, as to those that are specifically admitted hereunder and other averments made in the affidavit, he is put to strict proof thereof. The petitioner is bound to prove that, the petition mentioned properties originally belonged to one Lakshmiammal by virtue of "C" Schedule of Partition deed dated 11-05-1955 vide Document No.721/1955 of SRO Udumalpet. The petitioner is bound to prove that the said Lakshmiammal further executed a Registered WILL dated 30-09-1985 vide Document No. 133/Book 3/1985 before SRO Udumalpet, which she had acquired the C Schedule property in the Petition Further it is bound to prove that the said

Lakshmiammal had allotted to "A" Schedule property of the WILL to Sri Mariamman Temple, Sri Maahaliyamman Temple and also to Sri Perumal Temple and the same was maintained by him as a Trustee which is mentioned as Petition "A" Schedule property hereunder is bound to prove by the petitioner that since the said Lakshmiammal does not have any issues, she executed the above said WILL in favour of her relatives in respect of the properties which she obtained from her husband through the above said Partition deed. Further the petitioner is bound to prove that as he is the grandson of the said Lakshmiammal's brother, she allotted to the suit "D" Schedule property to him and that further he was also given a right to maintain the petition "A": Schedule property as a trustee through the above said WILL. The petitioner is bound to prove that he was the absolute possession and enjoyment of the suit "B" Schedule property. The petitioner is bound to prove that on 25-12-2024 this respondent with their henchmen wrongfully entered into the suit property and tried to dispossess the petitioner from the property and tries to construct a shed and that he bound to prevent the send out along with his men working in the Agricultural land. The petitioner is bound to prove that he threatened by the respondent claiming absolute right belong to them who are the legal heir of Jangamma Naidu according to the Partition deed dated 11-05-1955.

3.2) It is true that as per partition deed dated 11-05-1955, the said Lakshmiammal only got a life interest over the petition mentioned property and after her life time it will goes to legal heirs of Jangamma Naidu. It is incorrect to state that as per Hindu Succession Act Section 14(1) even though a life interest as created cover the property of said Lakshmiammal, of becomes her absolute property and since she has got absolute property, she acquires every right to alienate the petition mentioned property and the WILL made by her in respect of suit property executed in favour of the petitioner is valid. It is incorrect to state that the petitioner become absolute owner petition mentioned

property and this respondent is not entitled to claim any right over the same. It is further incorrect to state that this respondent is trying to grab the petition property by threatening and making several attempts to disposes the petitioner from the petition mentioned property in a wrongful manner which resulted in the incident happened on 25-12-2024. Further it is incorrect to state that due to the above said incident a police complaint had filed before the Sub Inspector of Police, Gudimangalam. Further it is incorrect to state that this respondent is not law abiding citizen and have support influential person in the society. It is incorrect to state that this respondent have any right and interest over the suit properties. It is true that this respondent has filed an application before the Revenue Divisional Officer, Udumalpet to change the patta in respect of petition mentioned property in Na.Ka.No.37/2025 in which the Revenue Divisional Officer, Udumalpet had passed an order in favour of this respondent, even after the objections made by the petitioner. It is further incorrect to state that based on mutation of the patta this respondent along with 4th respondent had executed a Settlement deed infavour of 5th respondent by virtue of Settlement deed dated 26-03-2025 vide Document No.1338/2025 of SRO Gomangalam. It is further incorrect to state the Settlement deed is affected under Section 52 of Transfer of Property Act. It is further incorrect to state that after change of revenue records, this respondent is trying to enter into the Suit property and trying to dispossess the suit properties. It is submitted by this respondent that it is true that the partition deed entered in between Mr., Jangamma Naidu and Lakshmiammal in respect of suit properties and other properties and the said Lakshmiammal had been given life estate only and after the life time, the above property will be divested to Mr. Jangamma Naidu

3.3) On 22-02-1959 a Partition deed was effected in between Jangamma Naidu and his two minor sons namely J.Kanagaraj and Chinnaraj @ Subramanian vide document No.435/1959 before the Sub Registrar Office,

Udumalpet. In this partition deed "B" Schedule property which are given as life estate to Lakshmiammal fell into the share of minor J.Kanagaraj. In this said Document refers about the partition deed dated 11-05-1955 and also refers that the properties will come to minor J.Kanagaraj after the demise of Lakshmiammal, who has been given life estate as per the Partition deed dated 11-05-1955. The WILL dated 30-09-1985 executed by Lakshmiammal are not maintainable for the reason the said Lakshmiammal had only life estate interest in respect of the suit had not given any right to encumber or alienate the property and she can only enjoying the usufruct from the property till her life time. Hence the properties bequeathed by the petitioner as per WILL. dated 30-09-1955 are not valid, unenforceable and not maintainable under law. The petitioner had claimed title over the suit properties under section 14(1) of Hindu Succession Act. It is submitted that the various decisions reported in our Hon'ble Supreme Court of India, it has been clearly held that the life estate will not expand in the full estate and as per the Hindu Succession Act 14(1) a widow does not have an absolute estate and protected by Section 14(2) of Hindu Succession Act. Hindu woman cannot claim absolute ownership if it was given to her as a restricted estate. As per ruling reported in AIR 2006 Supreme court page No.3282 "It is held that as per provision 14(2) of Hindu Succession Act, the widow is bound by the Limitation on her right and she cannot claim any higher right by invoking section 14(1) of the Act and not entitled to deal with the property as an absolute owner. Hence as per the decision, the WILL executed by Lakshmiammal will not confer any right or title to the petitioner, since the said Lakshmiammal had only the life estate interest holder only and the said property is dealt with by Jangamma Naidu on 22-02-1959 by partitioning to his legal heirs and as per partition the suit property and some other property were allotted to this respondent's father J.Kanagaraj and after his demise this respondent and his mother are inherited in the above said suit

properties as legal heirs of deceased J.Kanagaraj, who died on 30-11-2009. As per decision reported in AIR 2001 Supreme Court page No. 1754. "It has been held that the limited right will not give any absolute right to the life estate holder. In the above said decision, a number of other decisions are also been relied on and came to a conclusion that a restrictive right like a life estate will not become an absolute right. So in view of this judgement also, the WILL executed by Lakshmiammal in favour of the Temples and the petitioner will not convey any valid title beyond the life estate. The life estate comes to an end on the death of Mrs. Lakshmiammal. As per decision reported in AIR 2018 Supreme Court page No.62, "It is held that life interest was in the nature of restricted estate under Section 14(2) of the Hindu Succession Act which remained a restricted estate till her death and did not ripen into a absolute interest under section 14(1) of The Hindu Succession Act. It is further stated that it is a settled principle of law that life interest means a interest which determines on the termination of life it is incapable of having transferred by such person enjoy life interest only during her/his life time which is extinguished his / her death:.

3.4) In view of the above judgements, the said Lakshmiammal is having only a life Estate and the life estate is extinguished at her death and so, she does not have any right to bequeath the property to anyone and so the will executed by her in favour of the temples and petitioner are not valid and not binding on Mr. Jangamma Naidu and his descendants. Any mutation of revenue records are not valid and binding on the descendants of Mrs. Jangamma Naidu. The revenue records are not documents of title. As per decision reported in 1994 (2) SCC 111 says that it is the intention to the testator is to be seen if the intention of the testator is only for creating a life interest nothing more than the intention of the testator was creating a life estate only for the life time and not the absolute estate. It is further held that a restricted life estate granted to a family security

could not be enlarged to a absolute estate. If the life estate is not attached with any pre-existing right and so, the grant of property would be subject to the restriction contained therein either by way of transfer, gift or testamentary disposition. There is an mistake /error committed in the revenue records with regard to the suit property, this respondent had filed an application before the Revenue Divisional Officer, Udumalpet in which this petitioner had appeared before the said Forum and hearing elaborate enquiry and after perusing records submitted by the both parties, the Learned Revenue Divisional Officer, Udumalpet passed an order to delete the petitioner's name in the Revenue records in respect of the suit property and also direct to add the name of this respondent and his mother Mrs. Hemalatha and as per the order of the Revenue Divisional Officer, Udumalpet, this respondent had taken necessary steps to change the Patta in his name and his mother Mrs.Hemalatha and after effecting the change of patta in their name, he executed a Settlement deed dated 26-03-2025, vide Document No. 1338/2025, SRO Gomangalam along with his mother in favour of 5th respondent. The said Settlement deed is perfectly valid under law. It is further submitted that the Learned Revenue Divisional Officer, Udumalpet passed the above said order after taking into consideration of rival submissions of the both parties and the documents and since there is no order for stay or interference to the said Learned Revenue Divisional Officer, Udumalpet and he passed the above said order. The petitioner had come forward with this suit and petitions on the foot of WILL dated 30-09-1985 that too which are illegal and unenforceable under law and on the basis of the above said document he had no right, title and interest over the suit property. Since the said Lakshmiammal life interest only. Hence after taking into consideration, the Learned Revenue Divisional Officer, Udumalpet passed orders on 14-03-2025 and on the basis revenue records mutated in the name of this respondent and her mother and to that affect a Settlement deed was affected on 26-03-2025, the said

document is perfectly valid under law. The question of obtaining permission does not arise since the suit itself is not maintainable under law. The suit is filed by him on the foot of WILL executed by Lakshmiammal on 30-09-1985 which is illegal, unenforceable under law. There is no prima facie case in favour of the petitioner and the balance of convenience is not in favour of the petitioner. This respondent reserves his right to file additional counter statement if necessary in future. In these circumstances, it is therefore prayed that this court may be pleased to dismiss the application with costs of this respondent and render justice.

4. Point for consideration is, whether the petition can be allowed or not?

5.1) Heard and perused. This is an application filed by the petitioner seeking ad-interim injunction against the respondents. It is contended by the petitioner's counsel that the plaint scheduled properties originally belonged to one Lakshmi Ammal, who was none other than the paternal aunt of the petitioner, by virtue of a partition deed dated 11.05.1955, in which the C-schedule properties were allotted to her. Initially, under the aforesaid partition deed, the scheduled properties allotted to Lakshmi Ammal were only with life interest, and after the advent of the Hindu Succession Act, 1956, the said Lakshmi Ammal became the absolute owner of the scheduled properties. Thereafter, Lakshmi Ammal executed a Will dated 30.09.1985, in which the A-schedule property was bequeathed to a trust, in which the petitioner is a trustee, and the B-schedule property was bequeathed in favour of the petitioner. After the demise of Lakshmi Ammal, the Will dated 30.09.1985 was acted upon. It is further contended that the respondents are the legal heirs of Jangamma Naidu, who was none other than the brother of Lakshmi Ammal's husband, and that the respondents have no right over the scheduled properties. The respondents have interfered with the peaceful possession of the petitioner. Hence, the petitioner has filed the present suit for declaration and permanent injunction and other

reliefs. During the pendency of the suit, the respondents alienated a part of the scheduled properties to third parties. Therefore, the petitioner has sought ad-interim injunction restraining the respondents from alienating the scheduled properties.

5.2) Per contra, the learned counsel for the respondents contended that as per the partition deed dated 11.05.1955, Lakshmi Ammal had only a life interest and thereafter the remaining rights devolved upon the respondents. Hence, Lakshmi Ammal had no right to execute the alleged Will dated 30.09.1985, and therefore this petition is liable to be dismissed.

5.3) On considering the submissions of both sides, it is seen that the petitioner has claimed title over the scheduled properties on the basis of the Will dated 30.09.1985, whereas the respondents have claimed title over the scheduled properties on the strength of the partition deed dated 11.05.1955. It is an admitted fact that during the pendency of the present suit, the respondents alienated a portion of the scheduled property to a third party, which may lead to multiplicity of litigation. Under these circumstances, this Court is of the view that the petitioner has prima facie proved that the respondents may further encumber or alienate the scheduled properties. The balance of convenience lies in favour of the petitioner, and such alienation would cause irreparable loss to the petitioner. Hence, this Court grants ad-interim injunction restraining the respondents from alienating the scheduled properties until the disposal of the suit.

Result:

In the result, this petition is allowed, and this Court grants ad-interim injunction restraining the respondents from alienating the scheduled properties until the disposal of the suit. No costs.

This order is directly dictated by me to the Stenographer and typed by her directly in the Computer and corrected by me and pronounced by me in the

13/14

open Court on this the 4th day of February, 2026.

IVth Additional District Judge,
Udumalpet.

Petitioner sides witness : Nil

Petitioner sides Exhibits : Nil

Respondent sides witness : Nil.

Respondent sides Exhibits : Nil.

IVth Additional District Judge,
Udumalpet.

Fair/ Draft Order

IA No.7/2025 in
O.S.No.127/2025

D.D: 04.02.2026
IVth ADJ Udumalpet