

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS
JUDGE, THANJAVUR.**

**Present :Thiru. P.Nagarajan, M.A., M.L.,
II Additional District and Sessions Judge, Thanjavur.**

**Tuesday the 17th day of February 2026
(Thiruvalluvar Aandu 2057 – Maasi Matham 5th day)**

I.A. No. 3/2025 in O.S. No.97/2024

- (1) Viji
- (2) Saravanaselvan
- (3) Shanmugapriya

.....Petitioners/plaintiffs

/Vs/

- (1) Sambanthasamy
- (2) Elangovan
- (3) Muthukumar
- (4) Senthamilselvi
- (5) Saroja
- (6) The Sub-Registrar, Thanjavur.

.....Respondents/Defendants

This petition having come up for final hearing before me on **10.02.2026** in the presence of Thiru.**M.Sivaraman**, Advocate for the Petitioners/plaintiffs and of **Thiru.R.Udhayakumar**, Advocate for the Respondents 1 to 5 and of 6th respondent remained exparte and the matter having stood over for consideration till this date, this court delivered the following

ORDER

The petitioner has filed this petition under Order 39, Rule 1 and 2 of CPC to pass an order grant temporary injunction that 1 to 5

respondents should not alienate the suit property until disposal of this case and also ad-interim exparte injunction until disposal of this petition.

2) Gist of the Affidavit filed by the petitioners is as follows:

The suit property is ancestral property, undivided family property. Some property was purchased from joint family income, originally belonged to her husband's grandfather Late Muthusamy. The above said late Muthusamy has been possession and enjoying the suit property until his death. After the death of Muthusamy, the husband of 1st petitioner and all the respondents have become absolute owner of the suit property. The self acquired property of late Karunakaran, her husband Karunakaran has purchased some property in the name of above said Sabanthasamy, there is no arrangement in respect of property by the late Muthusamy, after the death of Muthusamy the petitioners and the respondents have become legal heirs of Muthusamy, till the date there are no partition between the petitioners and respondents in respect of suit properties. They have got right to entitle their $\frac{1}{4}$ share from the suit properties.

2.2) The petitioner demanded their share to the respondents in the suit property, but all the defendants are refused to partition on

10.04.2022 and they replied to the petitioners/plaintiffs that there are no right to the petitioners/plaintiffs in the suit property. The suit property was not partition between the petitioners/plaintiffs and the respondents, now there are some disputes between them. In the mean time the respondent tried to alienate the suit property to the third persons without knowledge of the petitioners they demanded their right and share to respondents again on 20.04.2022. But the first respondent has refused their right and so they have arranged village panchayath next day, impact respondents have refused their rights on 21.04.2022 before the panchayathers. Now the respondents are trying to alienate the suit property without knowledge of the petitioners. Further, the 1, 2, 3 respondents are trying to change name patta, when the petitioner asked, the respondents gave a complaint against the petitioner before the Taluk Police Station on 15.02.2024. The police enquired both parties. At that time the petitioner came to knowledge that there is a settlement deed and hence she applied E.C in respect of suit property and got knowledge the first respondent executed a settlement deed in favour of other 2 and 3 respondents. The said document is not binding the petitioners. Hence prayed to allow this petition.

3) The counter is not filed on the side of petitioners.

4) Point for consideration:

Whether this petition is to be allowed or not?

(5) Heard. Records perused. The petitioners contented that the petitioners have got right to entitle their $\frac{1}{4}$ share from the suit properties. The petitioner demanded their share to the respondents in the suit property, but all the defendants are refused to partition on 10.04.2022 and they replied to the petitioners/plaintiffs that there are no right to the petitioners/plaintiffs in the suit property. The suit property was not partition between the petitioners/plaintiffs and the respondents, now there are some disputes between them. In the mean time, the respondent tried to alienate the suit property to the third persons without knowledge of the petitioners they demanded their right and share to respondents again on 20.04.2022. Now the respondents are trying to alienate the suit property without knowledge of the petitioners. Further, the 1, 2, 3 respondents are trying to change name patta, when the petitioner asked, the respondents gave a complaint against the petitioner before the Taluk Police Station on 15.02.2024. At that time the petitioner came to knowledge that there is a settlement deed and hence she applied E.C

in respect of suit property and got knowledge the first respondent executed a settlement deed in favour of other 2 and 3 respondents. Hence, prayed to allow this petition.

6) Considering the petitioners' side argument, it is found that the respondents not filed counter on their side and not filed any objections. The petitioners are the plaintiffs in the original case. The petitioners have filed a petition against the defendants for a relief of partition. The suit has already been filed. The plaintiffs and the defendants are all close relatives. At present, a temporary injunction has been sought to restrain defendants 1 to 5 from transferring the title to the suit property to anyone else. The I.A.No. 2 of 2025 has been allowed as implead the third party, added as 7th defendant. Hence, this court decides that this petition is dismissed.

Pronounced by me in the open court, this the **17th day of February 2026.**

**II Additional District and Sessions Judge,
Thanjavur.**