

IN THE ADDITIONAL DISTRICT JUDGE, TIRUVANNAMALAI

PRESENT : Tr. B.C. GOPINATH, M.L.,

**Additional District Judge,
Tiruvannamalai.**

Monday, the 16th day of March, 2026

I.A.No. 4/2025 in O.S. No.17/2021

1. Selvaraj (Died)

2. Dharshini

3. Arthi

4. Anand

.... Petitioners / plaintiffs

/vs/

1. R.K. Balasubramanian

2. K.B. Revathy

3. The District Registrar, polurRoad, Tiruvannaalai,

4. The sub Registrar-II, Vettavalam Road, Tiruvannamalai.

... Respondents / Defendants 1to 4

This petition coming before me for final hearing on 13.03.2026 in the presence of Tr. L. Sugumaran Advocate for the petitioners and Tr. D. Kumar Advocate for the Respodents 1 & 2 and Tr.G. Pughazhenthii Advocate for the

Respondents 3 & 4 and after hearing the arguments of both, upon perusing the records and having stood over for consideration, till this day, this court passed the following,

ORDER

Petition under Order XXXIX Rule 1 and 2 of C.P.C for interim injunction.

2. Petitioner's case in brief:

The petitioners are the plaintiff in the above suit. The supporting affidavit to this petition has been sworn by the 3rd petitioner/plaintiff. The deceased first plaintiff Selvar was working in the Tamil Nadu Electricity Board and in the year 2009, he approached the 1st respondent who was running a finance company in the name and style of "Ms. Shri Rajeshwari Finance and availed a loan. The first respondent also insisted that the deceased first petitioner executed a sale deed in the name of the 2nd respondent as security for the loan so advanced by the 1st respondent. The respondents 1 and 2 made it sure that once the loan has been settled, they would convey the property back to him. Believing it, Selvaraj (deceased first petitioner) and his wife executed the sale deed and agreements in favour of the respondents 1 and 2 for the loan obtained from him. Those documents were meant to be as security for the said loan and were not acted upon. The said Selvaraj continued to receive the rents from the property.

3. During the pendency of the suit, the respondents 1 and 2, on 27 1 2023, created nominal documents in favour of their benamis named Sakthi Kumar and Raja Sekar. These transactions are void ab initio and they are also hit by the doctrine of lispendens. These sale deeds do not create any interest or title and they do not bind the petitioners. The respondents 2 and 4 who are statutory authorities appeared before this court and gave an undertaking that no further documents will be registered in respect of the suit properties. However, in gross violation and disobedience of their undertaking, they have entertained and registered further documents dated 10.5.2024 in favour of one Bharathivelu and Ravindran in respect of item numbers 2 and 3 of the suit property. Similarly, the respondents 1 and 2 have also created a sale deed dated 27 1 2023 in favour of Sakthi Kumar and Raja Sekar. They have also created sale deeds in the name of persons like Murugan, Pachaiyappan, Bharathivelu on 10.5.2024. All these documents have been registered by the 4th respondent against his own undertaking dated 17 3 2023. These documents have been created by the respondents to defeat the petitioner's right over the suit properties during the pendency of the suit. The petitioners have also filed an application in I.A.No 3/2025 to implead the purchasers. The proposed parties are planning to convert the properties into plots and create interest in favour of many other person, which will cause hardships and multiplicity of proceedings. Hence the

petition to restrain the respondents 3 and 4 from registering any further documents in respect of the suit properties till the disposal of the suit.

4. Averments in the counter of the 4th respondent:

The petition for interim injunction against the respondents 3 and 4 is not maintainable in law or on facts. The 4th respondent is not connected to the transactions between the petitioners and respondents 1 and 2. The respondents 3 and 4 are not necessary parties to the proceedings and they have been unnecessarily dragged in. The suit has been laid only to declare the half share of the petitioners in the suit properties and there is no prayer against the respondents 3 and 4. The respondents 3 and 4 being statutory authorities for registration have a duty to register documents produced before them and they cannot refuse registration unless it is expressly prohibited by courts or by the Rules. They are governed by the Rules and Regulations of the Government of Tamil Nadu and it is their duty to register on payment of necessary fees for registration. Hence the petition is liable to be dismissed with costs.

5. During enquiry, no evidence, oral or documentary was let in. This Court has perused the materials on record and has considered rival submissions.

6. Now the point for consideration is whether the petitioner is entitled to the interim injunction sought for?

From the records it is seen that the above suit has been laid for the relief of declaration and permanent injunction and for costs. According to the petitioners, the deceased 1st petitioner Selvaraj, who is the mother of the 2nd petitioner and father of petitioners 3 and 4, availed a loan from the 1st respondent R.K.Balasubramanian, who was running a finance company in the name and style of “Ms.Shri Rajeshwari Finance”. For the said loan, the 1st respondent allegedly insisted on executing a sale deed in respect of the suit property in the name of his wife. The 1st respondent is also alleged to have assured that once the loan is discharged, the property will be transferred back to the said Selvaraj. Believing the words of the 1st respondent, the said Selvaraj and his wife Dharshini (2nd petitioner) executed sale deeds in favour of respondents 1 and 2 and availed the said loan from the 1st respondent. The said sale deed was only meant to be security for the loan so availed and it was a nominal transaction. The vendors continue to remain in possession and enjoyment of the said property.

7. The petitioners would further allege that during the pendency of the suit, the respondents 1 and 2 created many sale deeds in favour of Sakthi Kumar and Raja Sekar who are alleged to be the benamis of respondents 1 and 2. The respondents have also created sale deeds in the

name of persons like Murugan, Pachaiyappan, Bharathivelu on 10.5.2024. According to the petitioners, these are *pendentelite* transactions that are hit by section 52 of the Transfer of Property Act and will not bind the petitioners. However, the respondents 3 and 4 who are authorities responsible for registration of documents are continuing to register documents in respect of the suit properties against their own undertaking before the court. If they are permitted to entertain any further documents in respect of the suit properties, the petitioners will be put to hardships and it will also result in multiplicity of proceedings.

8. According to the respondents 3 and 4, they are registering authorities who are acting in accordance with the Regulations of the government and they cannot be restrained from registering documents that are produced, except in a manner known to law. The Ld GP appearing for them would further contend that the duty of the respondents 3 and 4 is to registered document after collecting the necessary registration fees. The learned counsel for the petitioners has candidly submitted that several other transactions have already taken place at the instance of the respondents 1 and 2 and those documents have already been registered by the respondents 3 and 4. The subsequent purchasers have not been impleaded as respondents in this petition. Therefore, there cannot be any relief are

order touching upon the rights. That apart, it is relevant to highlight that the petitioner has taken out an application to impleaded all the subsequent purchasers as party defendants to the suit. In such circumstances, the relief claimed in the petition no longer exists or in other words it has become infructuous.

9. Thus, the petitioners have not shown that they have a prima facie case and balance of convenience lies in their favour which are the prerequisites for grant of an order of interim injunction. That apart, it goes without saying that the encumbrance moves along with the properties and the Pendente lite purchasers will be bound by the final result of the suit.

For the above reasons this court holds that the petitioners are not entitled to the relief of interim injunction sought for and the point is answered accordingly.

In the result the petition is dismissed.

Dictated to the Steno-Typist, typed by her directly in the computerized by him corrected and pronounced by me in open Court this the 16th day of March, 2026.

Additional District Judge,
Tiruvannamalai.

