

**IN THE COURT OF THE DISTRICT MUNSIF, ARNI.**

**PRESENT: Miss. D.V.Koperundevi,B.com.,L.L.B.,(Hons)**

**DISTRICT MUNSIF,**

**DISTRICT MUNSIF COURT, ARNI.**

**Friday 31<sup>st</sup> day of October 2025.**

**I.A. No. 01/2025**

**in**

**O.S. No. 03/2025.**

Premraj

... Petitioner/Plaintiff

/Vs/

Ranjith

...Respondent/Defendant

This petition came up before me for final hearing on 29.10.2025 in the presence of Thiru. S.Pradeep, Advocate for the Petitioners/Plaintiffs, and Thiru. S.Shyamsundar, Advocate for the Respondents/Defendants, and upon hearing both sides enquiry and perusing the material records of this petition and having stood over for consideration till this day, this court delivers the following:-

**ORDER**

The petitioner filed this petition under Order 39 Rule 1 & 2 and Section 151 CPC.

**I. The averments in the petition filed by the petitioner:**

1. In the affidavit, the petitioner in this petition is the plaintiff in the above case.
2. The petitioner has filed the original suit against the respondent seeking a permanent injunction. The petitioner requests that the facts and circumstances of the plaint be treated as part of this affidavit.

3. The petition schedule property belongs to the petitioner's father, Pichandi, under Patta No. 456. He executed a settlement deed in his favor on 19.07.2023, registered as Document No. 6660/2023 at the Arni Sub-Registrar's Office, and handed over possession to him. Since then, the petitioner has been in peaceful possession and enjoyment of the petition property after changing the patta to his name under Patta No. 4108.
4. The respondent, who is the owner of the adjacent property unrelated to the petition property, trespassed onto the petition property in December 2023 and placed agricultural materials. When the petitioner questioned him, he quarreled with him. The petitioner, therefore, lodged a complaint against him at Kalambur Police Station on 28.12.2023. During the investigation, the respondent gave an undertaking that he would not trespass onto his property. The complaint was therefore closed.
5. For a few days, the respondent did not cause any trouble, but again in June 2024, he brought his agricultural materials and filed a petition against the respondent for trespassing on his property. The petitioner made a great effort to evict him and on 11.06.2024, the petitioner sent a notice through his lawyer to the respondent stating that he should not trespass on the petition property in the future, and if he does, the petitioner will take legal action. The respondent, who received the notice, was quiet for a few days, but again in December 2024, he tried to illegally enter the petition property. The petitioner stopped him with great difficulty. However, the respondent is openly saying in the village that he will somehow enter the petition property. If he does so, the petitioner will

have a problem enjoying his property peacefully. Therefore, it is necessary to stop the respondent's malicious act.

6. The respondent is a man of money, power, and political influence. He does not abide by the law. His malicious act can only be stopped if there is an order from the Hon'ble court.
7. Therefore, the petitioner prays to the Hon'ble court to issue an interim prohibitory injunction order to the effect that the respondent, his men, agents, or heirs should not trespass on the petition schedule property in any way.

**II. The counter (Written Statement was adopted) filed by the respondents:**

1. The Plaintiff's suit is not legally or equitably maintainable.
2. The Plaintiff's suit is not true. The Plaintiff is obligated to legally prove all the facts stated in the suit, except for those facts that the Defendant admits in this written statement.
3. The facts in Paras 3 and 4 of the suit are not true. The statement in Para 1 of the suit, that the suit property was enjoyed by the Plaintiff's father, Pichandi, is not true. The patta obtained in the name of the Plaintiff's father using his influence in the revenue department for the suit property is not legally valid. The Plaintiff must legally prove this in the suit. The Plaintiff is obligated to legally prove to the court that on 10.07.2023, the Plaintiff's father executed a settlement deed for the property in the Plaintiff's name. The statement in the suit that the Plaintiff's father enjoyed the property and was in possession of the Plaintiff's father, and accordingly, the Plaintiff's father gave possession to the Plaintiff in front

of the settlement deed, is false. It is not acceptable to say that the Plaintiff is in possession of the suit property when the Plaintiff is well aware that the Defendant has been in possession of the suit property, having built a shed on it, and that the Plaintiff has created false documents.

4. The facts in paragraph 5 of the plaint are not true. In connection with the suit property, the plaintiff's father created an unregistered sale deed on 10.2.2002 to the defendant's father, received Rs. 13,000/- in cash, and created the unregistered sale deed in the presence of witnesses. The plaintiff, knowing this well, has concealed it and filed the plaint, which is not legally valid. The defendant's father has been in enjoyment of the suit property since the creation of the said unregistered sale deed, and the defendant has been in enjoyment of the suit property since his father's death. The plaintiff's claim that the defendant is trespassing and enjoying the property, and that the plaintiff filed a false complaint at Kalambur police station, is a fabrication by the plaintiff for the purpose of this false suit.
5. The facts in paragraphs 6 and 7 of the plaint are not true. The defendant did not intentionally dump agricultural products on the suit property as claimed by the plaintiff. The plaintiff's claim that he questioned the defendant about it and the defendant did not respond properly, and that the plaintiff sent a lawyer's notice on 11.6.2024, to which the defendant went to the plaintiff and said, "I have not sent a lawyer's notice regarding the property you are enjoying," and therefore the defendant did not give any reply notice, is not true. Furthermore, no panchayats have taken place between the plaintiff and the defendant regarding the suit property, and

the plaintiff has filed this plaint with false facts, which is not legally valid. The plaintiff's claim that the defendant trespassed into the suit property in the last week of December 2024 is not true. The plaintiff has prepared false documents to file the suit in the defendant's name, and therefore, the suit is not legally valid. The plaintiff is obligated to prove the plaint averments to this Hon'ble court.

6. The facts stated by the plaintiff in the suit are not the true basis of the suit. Therefore, the suit should be dismissed. The property has been in the enjoyment of the defendant to date. The plaintiff has never enjoyed the suit property to date.
7. Therefore, the defendant prays to this Hon'ble Court to dismiss the plaintiff's suit with costs to the defendant.

**III. Points:**

1. Whether the petition under Order 39 Rule 1 & 2 and Section 151 of CPC to be allowed or not?

**IV. Points for Consideration:**

Heard on both sides. Records have been perused.

1. The petitioner seeks an interim/temporary injunction restraining the respondent, his men, agents, or heirs from trespassing into the petition schedule property until the disposal of the main suit for permanent injunction.
2. The petitioner claims ownership and possession under a settlement deed dated 19.07.2023 (Doc. No. 6660/2023) executed by his father, Pichandi, and states that the patta has also been mutated in his name. It is alleged that the respondent, who owns adjacent property, trespassed onto the

petition property in December 2023 and again attempted to enter in June and December 2024.

3. The respondent, however, strongly denies the petitioner's claim of possession. He asserts that the petitioner's father had executed an unregistered sale deed dated 10.02.2002 in favor of the respondent's father after receiving consideration of Rs.13,000, and ever since that date, the property has been in the continuous enjoyment of the respondent's family. The respondent claims to have built a shed on the property and to be in settled possession to this day.
4. The dispute, therefore, centers around who is in actual possession of the property as of the date of the petition.
5. For granting an interim injunction, the Court must be satisfied of:
  1. A prima facie case in favor of the petitioner,
  2. Balance of convenience being on his side, and
  3. The likelihood of irreparable injury if relief is denied.
6. While the petitioner has produced a registered settlement deed, mere production of a title document is not sufficient to prove possession, especially when the respondent asserts long-standing possession since 2002. The petitioner has not filed any revenue receipts, photographs, or documentary proof of actual possession prior to the alleged acts of trespass.
7. In contrast, the respondent's version of continuous possession since his father's purchase appears more probable on the available materials. The complaint lodged by the petitioner also does not conclusively establish that the respondent's entry was recent or unlawful.

8. Furthermore, the suit filed for permnent bare injunction and the petitioner filed this petition under Order 39 Rule 1and 2 for seeking a relief of temporary injunction. The real dispute of the case and who is in possession of the suit property and it will be decided only after adducing both side evidence.
9. Accordingly, the Court finds that the petitioner has failed to establish a prima facie case of possession, and the balance of convenience does not lie in his favor. No irreparable injury would be caused to him if the injunction is refused, as possession itself is in serious dispute and can be adjudicated only after full trial.

V. **Result:**

**In the result, the petition under Order 39 Rules 1 & 2 CPC is dismissed. No order as to costs.**

Dictated to Steno Typist, and computerized by her directly, corrected and pronounced by me in the open Court, on the 31<sup>st</sup> day of October 2025.

**District Munsif  
Arni**

**List of documents & witnesses: N I L**

**District Munsif  
Arni**