

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, CHEYYAR

TIRUVANNAMALAI DISTRICT

Present :- **Tmt. K. Naleeni, M.L.**,
Principal District Munsif, Cheyyar,
Thiruvannamalai.

Thursday, the 04th day of December, 2025

I.A.No.03/2024 in O.S.No.67/2024

Ramachandiran

.... Petitioner/Plaintiff

V.

1. Rajarajan

2. Mohan

.....Respondents/Defendants

This petition is coming before me on 26.11.2025 for final hearing in the presence of Mr. B. Sankarapandian, learned Advocate for the Petitioner / Plaintiff and Ms.G. Selvi , learned Advocate for the 1st Respondent / Defendant and Mr. R. Raja, learned Advocate for the 2nd Respondent and upon hearing both sides and after careful perusal of the entire case records and having stood over for consideration till this day, this Court delivered the following:

ORDER

This Petition has been filed by the Petitioner under Order XXXIX Rule 1 and 2 of Code of Civil Procedure, 1908 praying to grant ***temporary injunction*** restraining the defendant, his men, agents, servants or anyone claiming through him from interfering with the Plaintiff's/petitioner's peaceful possession and enjoyment of the suit property till the disposal of the suit.

2. BRIEF AVERMENTS OF THE PETITION AS FOLLOWS:

i) The Petitioner is the Plaintiff in O.S. No. 67 of 2024 has filed the suit for Permanent injunction. The suit property originally belonged to one Parthasarathy,

who was in absolute possession and enjoyment and he died intestate on 26.10.2001 without making any arrangement regarding the property. After his demise, his legal heirs, namely his wife Kamala and sons Balaji and Lakshmi Narayanan, inherited the property and were enjoying the same. The legal heirs had executed a General Power of Attorney in favour of the 2nd defendant on 15.09.2016 and the same had been duly registered.

ii) The petitioner states that he is working as a Real Estate and LIC Agent. The defendants 1 and 2 are also businessmen engaged in Real Estate activities in Cheyyar and due to business relationship and friendship, they approached the petitioner stating that the suit property was available for sale and persuaded him to purchase it. Believing their representation, the petitioner had agreed to purchase the property and paid a sum of Rs. 26,00,000/- on 02.08.2016 to the 1st defendant in the presence of the 2nd defendant. The defendants thereafter paid the amount to the legal heirs of Parthasarathy and claiming themselves to be partners in the transaction, orally sold the property to the petitioner on 15.09.2016 and handed over possession to him.

iii) The petitioner further states that he has been in continuous, peaceful and uninterrupted possession of the suit property from that date and has renovated the house at his own cost by repairing the structure, renewing the electricity connection and fixing tiles. However, despite receiving substantial consideration, the defendants failed to execute the registered sale deed and had dragged time. When the petitioner requested execution of sale deed on 29.06.2023 at the Real Estate office of the 1st defendant, the 1st defendant refused and threatened him with dire consequences stating that he would not execute any document and challenged him to do whatever he could.

iv) The petitioner further states that he lodged a complaint before the Cheyyar Police Station on 23.09.2022 and the 1st defendant appeared at the station and admitted that delay occurred due to clearing a bank loan of the late Parthasarathy and sought six months' time to execute the sale deed. However, no action was taken thereafter. The petitioner further states that the defendants 1 and 2 have attempted to fraudulently create a document in favour of the 3rd defendant. The petitioner again lodged police

complaints on 14.08.2023 before the Cheyyar Police and the District Superintendent of Police, but no action has been taken due to political influence.

v) The petitioner further states that the defendants trespassed into the property on the night of 24.07.2024, removed the notice board placed by him stating that the property is not for sale and damaged the articles inside the house, assaulted the petitioner and snatched his mobile phone. Again, on 25.07.2024, they damaged the locks and fittings in the house, causing severe mental agony and that he made complaint to the District Superintendent of Police. Since the defendants are continuously attempting to dispossess the petitioner and interfere with his peaceful possession, the petitioner has filed the present suit and the present I.A.

vi) Therefore, the petitioner prays that pending disposal of the suit, to grant an interim order of injunction restraining defendants 1 and 2, their men, agents or anybody claiming under them from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property, and thus render justice.

3. BRIEF AVERMENTS OF THE COUNTER AS FOLLOWS:

- i) The respondents 1 and 2 have filed a detailed counter statement contending that the suit filed by the plaintiff is false, fraudulent, misconceived and legally not maintainable. The defendants contend that the plaintiff has claimed ownership and permanent injunction over the suit property without seeking any declaratory relief regarding title, and therefore the suit is not maintainable in law.
- ii) The defendants admit that the suit property originally belonged to one Parthasarathy and after his demise, his wife Kamala and sons Balaji and Lakshmi Narayanan inherited the property and that they executed a General Power of Attorney in favour of the 2nd defendant on 15.09.2016. Except for these facts, all other allegations of the plaintiff are denied.
- iii) The defendants specifically deny the plaintiff's allegation that defendants 1 & 2 approached the plaintiff stating that the suit property was available for sale and compelled him to purchase it. They also deny that the plaintiff paid a sum of Rs. 26 lakhs for purchase of the property or that possession was

delivered to him. The defendants assert that the plaintiff has no manner of right, title or possession over the suit property at any point of time.

- iv) The 1st defendant states that after obtaining the General Power of Attorney, he negotiated with the owners for purchase and settled the sale consideration for Rs. 22,50,000/-. Accordingly, on 15.09.2016, the General Power of Attorney was executed in favour of the 2nd defendant and the full consideration was paid to the legal heirs. The owners thereafter handed over possession of the suit property to the 1st defendant, who had been in possession and enjoyment since then.
- v) The 1st defendant further submits that thereafter one Jeyashankar, brother of the plaintiff, approached him and requested the 1st defendant to sell the property to him. The 1st defendant agreed and received Rs. 25 lakhs from him and handed over possession to him. However, at the time of presenting the sale deed for registration, it was discovered that the original parent title deed of Parthasarathy was deposited with the Government Treasury at Pudukottai District Education Office as security for a loan. Since the original document could not be retrieved, registration could not be completed. Both parties mutually agreed that Jeyashankar could continue to occupy the property till completion of registration.
- vi) The 1st defendant made several attempts to retrieve the original document, but due to the COVID-19 pandemic and the subsequent deaths of the legal heirs of the said Parthasarathy and due to the inability to trace legal heirs, delay occurred in obtaining the original document.
- vii) The defendants state that Jeyashankar lodged a police complaint and during the enquiry, he refused to continue with the purchase and demanded refund of Rs. 25 lakhs. The 1st defendant could not refund the entire amount immediately and consequently issued three cheques in favour of Jeyashankar. Jeyashankar filed a cheque dishonour case in CC No. 4/2023 before the Judicial Magistrate, Cheyyar, and the 1st defendant has since paid the entire cheque amount and settled the matter.
- viii) The defendants categorically deny that the plaintiff was ever put in possession or that any oral sale took place. They submit that the plaintiff has fabricated false allegations and false police complaints. The

photographs relied upon by the plaintiff can be of any property and do not prove possession or enjoyment. The defendants further state that the plaintiff filed the present suit only on 01.08.2024 and thereafter during the third week of December 2024, he trespassed into the suit property, pasted a board stating that the property belongs to him and caused damage worth Rs. 5 lakhs. Again on 21.12.2024, he forcibly broke open the gate and main door using hired persons. The 1st defendant lodged a complaint regarding the incident at the Cheyyar Police Station and during enquiry, the plaintiff admitted his guilt and stated that no further such acts would be committed and that he would not interfere with the property and that he would compensate the damage caused in civil suit.

- ix) Therefore, the defendants submit that the suit property absolutely belongs to the 1st defendant and he is in exclusive possession and enjoyment and no third person has any right or possession. The plaintiff has neither title nor possession nor any documentary evidence. Accordingly, the defendants pray that the suit is liable to be dismissed with costs and that the applications for interim injunction deserve to be rejected.

4. POINT FOR CONSIDERATION:

The sole point to be considered by this Court is whether the petitioner is entitled to the relief of temporary injunction restraining the respondent and his men from interfering with the peaceful possession and enjoyment of the suit property till the disposal of the suit?

5. ORAL AND DOCUMENTARY EVIDENCE:

No oral or documentary evidence were adduced on both the sides.

7. DETERMINATION:

Heard both sides and carefully perused the records.

(i) The petitioner is seeking for granting of Interim Injunction against the respondents. Order XXXIX Rule 1 provides as follows:

1. **Cases in which temporary injunction may be granted.**—Where in any suit it is proved by affidavit or otherwise—

(a) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or

(b) that the defendant threatens, or intends, to remove or dispose of his property with a view to defrauding his creditors,

(c) **that the defendant threatens to dispossess, the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit,**

the Court **may** by order grant a temporary injunction to restrain such act, or make such other order for the **purpose** of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property or **dispossession** of the plaintiff, or **otherwise causing injury to the plaintiff** in relation to any property in dispute in the suit as the Court thinks fit, until the disposal of the suit or until further orders.

ii) According to Order XXXIX Rule 1, if the defendant threatens to dispossess, the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit, the Court may order a grant of temporary injunction.

iii) It is well settled that granting of injunction is the discretion of the court and the principles governing the interim injunction are well settled. The court has to see that

a) whether the petitioner/plaintiff has a **prima facie case?**

b) whether the petitioner/ plaintiff would suffer **irreparable injury** if his prayer of temporary injunction is not granted?

c) Whether the **balance of convenience** is in the favour of the petitioner/plaintiff?

iv) Firstly, the Court has to see whether the petitioner has made out a prima-facie case. It is well established that prima facie case does not mean prima facie title. The plaintiff has to show that there is bona fide dispute and has

approached the court with clean hands. The petitioner asserts that he is in possession and that the defendants are attempting to create documents to defeat his rights. However, the plaintiff has not marked any documentary materials such as revenue records, tax receipts, or supporting evidence to prima facie establish his present possession. On the other hand, the defendants have disputed the title and possession of the petitioner which could be adjudicated only at the time of trial.

v) Further, in considering Balance of Convenience and Irreparable injury, the Court has to look at whether the harm to the plaintiff from not granting the injunction outweighs the harm to the defendant from granting it and whether, the plaintiff would suffer irreparable harm if the injunction is not granted. It could be seen that granting the present interim injunction would virtually amount to granting the final relief itself, which is impermissible at the interim stage, particularly when possession is disputed by the Respondents. Therefore, the balance of convenience is in favour of declining the injunction and allowing the matter to proceed for trial.

vi) Further, the plaintiff has not demonstrated that he would suffer any irreparable injury which cannot be compensated by damages or protected by the decree. Mere apprehension of interference or creation of documents is not sufficient to establish irreparable loss. Even if any document is created, its validity can always be tested in law and any patta transfer can be set aside through appropriate proceedings. Thus, irreparable injury is not proved.

vii) This Court places reliance on the decisions of the Hon'ble Supreme Court in *Dalpat Kumar v. Prahlad Singh and ors.* AIR 1993 SC 276 and in *M/S Gujarat Pottling Co. Ltd., & Ors v. The Coca Cola Co. & Ors.* AIR 1995 2372. It is well settled in the case of *Dalpat Kumar v. Prahlad Singh* AIR 1993 SC 276, that ***mere prima facie case alone is not sufficient for grant of injunction.*** All the three must be satisfied cumulatively.

viii) Further, it could be seen that the petitioner has filed the suit for permanent injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the suit property and also for permanent injunction restraining the 4th defendant from registering any document in respect of the suit

property and also for permanent injunction restraining the 5th defendant from effecting any patta transfer in favour of any person. The relief sought by the petitioner in this petition is for temporary injunction restraining the respondent and his men from interfering with the peaceful possession and enjoyment of the suit property. From the perusal of both the reliefs, it could be seen that the relief sought by the petitioner in this application is same to that of the relief prayed by him in the main suit.

ix) Hence, this Court finds that that determination of the present application would ultimately result in the final determination of the suit *prematurely* and hence, granting of the temporary injunction when the same has not been proved by the petitioner and especially when there is a cloud over and dispute over the title and possession of the petitioner raised by the Respondent and whether he has approached the clean hands, cannot be allowed as the same have to be determined at the time of trial through oral and documentary evidence and interim injunction if granted would cause irreparable injury and inconvenience to the Respondent. Further, the relief which is pending for adjudication in this petition can very well be decided in the main suit itself. Hence, granting of interim injunction would cause greater hardship, inconvenience and irreparable injury to the respondent.

Hence, in the light of the aforesaid discussions, this Court is inclined to dismiss this petition.

7. **RESULT :**

In the result, this petition is hereby dismissed. No order as to costs.

Directly typed by me and pronounced by me in open court, on this the 04th day of December, 2025.

Principal District Munsif,
Cheyyar.

8. List of Witnesses:

On the side of the Petitioner : NIL
On the side of the Respondent : NIL

9. List of Documents :

On the side of the Petitioner : NIL
On the side of the Respondent : NIL

Principal District Munsif,
Cheyyar.