

**IN THE COURT OF DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,  
KILPENNATHUR.**

**Present: Thiru.M.C.Arun, L.L.B.,**  
District Munsif-cum-Judicial Magistrate, Kilpennathur.  
11<sup>th</sup> day of November, 2025, Tuesday.

**IA 01/2025**  
**in**  
**OS.No. 130/2024**

Sivakumar ..... Petitioner/Plaintiff

-Vs-

1. P. Ramesh,  
2. Mrs. Kamsala ..... Respondents/Defendants

\*\*\*\*\*

This Petition is coming before me on 06.11.2025 for final hearing in the presence of Thiru.R.Mohan, learned counsel for the Petitioner/Plaintiff and Thiru.E.Balaji, learned counsel for the Respondent/Plaintiff and upon perusing the case records having stood over for consideration till this day, this Court delivers the following;

**ORDER**

The petitioner namely B. Sivakumar represented by his power agent namely S. Sudhagar filed the petition under order 39 rule 2-A of CPC and prayed before this court to punish the respondent namely P.Ramesh and Ms. Kamsala for willful dis obedience and violation of the orders of this Hon'ble court passed on 10.06.2024 in IA No. 1/2023 in OS.No. 36/2023 renumbered as OS.No 130/2025 and prayed to allow this petition.

**1. Crux of the petition:**

(1.1) The petitioner submits that the petitioner is the plaintiff and well acquainted with the facts and circumstances of this case and further submits that the petitioner filed the permanent injunction suit restraining respondent from in any manner interfering with his peaceful possession and enjoyment of the suit property and also filed interim application and same was allowed and the court also passed interim injunction restraining the respondent, their agent and men, servants interfering with his peaceful possession and enjoyment of the suit property till the disposal of the suit.

(1.2) The petitioner further submits that respondent and their rowdy elements entered into the suit schedule property on 21.01.2025 at about 11 A.M. while the interim injunction order in the force and harvested the paddy crops and irrigated the well water to the respondents nursery paddy and same was objected by this petitioner which resulted the petitioner was attacked with wooden log by the respondents men and sustained finger injury and also took treatment in Government Hospital in Tiruvannamalai and also statement was given FIR was lodged through online complaint RAS25044033. The petitioner further submits the respondents breached the order of this court acknowledging interim injunction order which amounts to contempt of court and prayed to punish the respondent.

## **2. Crux of the Counter:**

(2.1) The respondent submits that the petition filed by the by the petitioner for the breach of injunction order is not maintainable either in law or on facts and same to be dismissed at threshold and allegation mentioned in para no 3 and 4 is not correct and same to be proved strictly by the petitioner alone. The patta bearing no. 1765 and 1582 and electric connection card standing in the name of the petitioner is only a paper and which could not confer any interest in the suit property and the petitioner has not been in the possession and enjoyment of the suit property and further contention of the petitioner that the respondents entered into the suit property and attacked the petitioner on 21.01.2025 while lodged complaint through online is false. The respondent further submits that the petitioner namely Sivakumar is not in the possession of the suit property and one S. Sudhagar who is the power agent who filed this petition for the willful dis obedience by the respondent will not be attracted since Sudhagar only a power agent and the complaint lodged by the petitioner does not have prima facie so that the Police also did not take any action against the complaint.

(2.2) The respondent further submits that sale deed executed by the vendor of the petitioner namely Pugazhenthii on 02.11.2022 claiming to be vide and sisters of the 1<sup>st</sup> respondent namely Selvi and Santhi @ Santha also filed the partition suit claiming their shares and also the sale deed executed by Paramathma in favour of Pugazhenthii dated 08.02.2005 is also claimed as to declared and also claimed to declare the sale deed executed

by Pugazhenthii in favour of this petitioner on 02.12.2022 is also null and void by impleading the petitioner as well as respondents as parties and filed the suit before principal Sub court, Tiruvannamalai in OS No. 123/2023 and the said suit was also acknowledged by the said petitioner and also received the summon and also the counsel also on record on the side of petitioner.

(2.3) The respondent further submits that respondent has been in exclusive possession in over the suit property and the respondent has not ever been in the possession of the suit property and the power agent who has filed the interim application but the petitioner filed this contempt petition and so this petition is not maintainable and the power agent Sudhagar only attacked respondents while they were in possession and enjoyment in the suit property and respondent also filed complaint on 22.01.2025 in the Police Station and so respondents did not make contempt against the order passed by this court and further appeal also preferred by the respondent against injunction order passed by this court before Hon'ble Principal Sub Court Tiruvannamalai and also prayed to dismiss the petition.

3. The Petitioner's Power agent S. Sudhakar has been examined as **PW-1** and he marked **Ex.P1 to Ex.P8**. Ex.P1 – Copy of interim injunction order in dated 10.06.2024, Ex.P2 – Legal notice and receipt in dated 29.01.2025, Ex.P3 – Online Police Complaint and acknowledgment, Ex.P4 – Copy of the FIR in Crime No 39/2025 dated 02.03.2025, Ex.P5 – Original Patta issued in favour of the Sivakumar dated 17.12.2022, Ex.P6 – Forged patta document created by the Ramash dated 09.09.2024, Ex.P7 – Rectified patta issued in favour of Sivakumar, Ex.P8 – Adangal issued in favour of B. Sivakumar. The Respondent filed the Counter and 1<sup>st</sup> Respondent was examined as **RW1** and marked as **Ex.R1 to Ex.R6**. Ex.R1 – Copy of FIR in Crime No. 40/2025, Ex.R2 – Copy of Police Complaint dated 22.01.2025, Ex.R3 – Respondent side reply, Ex.R4 – Adangal given by Village Administrative officer dated 29.03.2025, Ex.R5 - Adangal given by Village Administrative officer dated 08.12.2022, Ex.R6 – Copy of CMA petition filed by Hon'ble Principal Sub Court, Tiruvannamalai and one Durairaj was examined as **RW2**.

**4. Point for consideration is whether the contempt application could be allowed or not?:**

(4.1) Heard. Records perused. The counsel for the petitioner argued that in order to prove the disobedience, FIR, Medical records, Injury photos has been filed and respondent themselves admitted that they are in possession and they are violating the court order and further argued that the court can not vary its own order and so and interim order was not set aside before the higher forum and so prayed to allow this petition. Whereas, the counsel for the respondent argued that there is OS. 123/2023 is pending before the Principal Sub court, Tiruvannamalai in which petitioner and respondents are parties and the respondent have been in possession and enjoyment of the suit property and interim injunction granted in favour of the respondent not bind the respondent since the power agent obtained that order and the respondent did not enter into the suit property by way of trespass since the respondent has been in the possession and enjoyment of the suit property and petitioner namely Sudhagar who only assaulted respondent on 21.01.2025 and police complainant was also lodged. Further the petition is filed only to take vengeance and this petition is devoid of merits and further the respondent counsel argued that the petitioner admitted that respondent has been in the possession and enjoyment of the suit property for passed 3 years and so this petition is not liable to be allowed.

(4.2) This court observed that even though, the interim injunction has been granted by this court in favour of the petitioner. The petitioner suit is only for permanent injunction against the respondent and it is an admitted fact that there was quarrel between the both petitioner and the respondent. Ex.R1 – FIR 39/2025 in which the petitioner Sivakumar stated that the respondent Ramesh has not delivered the possession of the suit property to the petitioner Sivakumar and also admitted that the respondent Ramesh only has been possession and enjoyment over the suit property. So, Ex.R1 is very clearly recites that the petitioner has not been possession and enjoyment over the suit property, when the petitioner is not in possession and so there is no question of restraining and interference against this petitioner and further the respondent relied Adangal dated 29.03.2025 and 08.12.2022 which evidencing that the respondent has been in the possession and enjoyment of the suit property. This court is of opinion that party moving an application under Order 39 rule 2-A

of CPC shall prove the willful disobedience on the part of the respondent beyond the reasonable doubt whereas, the petitioner claimed the relief of only injunction stating that he is the absolute owner of the suit property and further this court can observe that there is also a suit pending in OS. 123/2023 before Principal Sub Court, Tiruvannamalai and also the respondent also filed filing no. 31/2025 preferring an appeal to set aside the injunction order and this court can not come to the conclusion with oral evidence and documents on the side of petitioner that there was a willful disobedience occurred and breach of injunction order and so this suit is only for a permanent injunction in which the interim injunction order was obtained and so this court is inclined to dismiss the petition and advice the both parties to get the remedy through the main suit.

**5. In the result,** Petition is dismissed with out cost.

Dictated to the Steno-Typist, directly typed and computerized by her, corrected and pronounced by me in the Open Court on this, the 11<sup>th</sup> day of November, 2025.

District Munsif-cum-Judicial Magistrate,  
Kilpennathur.

**PETITIONER'S SIDE WITNESS:**

<b>PW-1</b>	S.Sudhakar
-------------	------------

**PETITIONER'S SIDE DOCUMENTS:**

<b>Exhibit P1</b>	10.06.2024	Copy of Interim Injunction Order
<b>Exhibit P2</b>	29.01.2025	Legal Notice and receipt
<b>Exhibit P3</b>	27.01.2025	Copy of Online Police Compliant
<b>Exhibit P4</b>	02.03.2025	Copy of the FIR in crime No. 39 of 2025
<b>Exhibit P5</b>	17.12.2022	Original Patta issued in favour of the Sivakumar
<b>Exhibit P6</b>	09.09.2024	Forged patta document created by the Ramesh
<b>Exhibit P7</b>	--	Rectified patta issued in favour of Sivakumar
<b>Exhibit P8</b>	14.04.2025	Adangal issued in favour of B.Sivakumar

**RESPONDENTS' SIDE WITNESS :**

<b>RW-1</b>	Ramesh
<b>RW-2</b>	Durairaj

**DEFENDANTS' SIDE DOCUMENTS :**

<b>Exhibit R1</b>	02.03.2025	Copy of FIR
<b>Exhibit R2</b>	22.01.2025	Copy of Compliant
<b>Exhibit R3</b>	12.02.2025	Respondent side reply notice
<b>Exhibit R4</b>	29.03.2025	True copy of Adangal
<b>Exhibit R5</b>	08.12.2022	True copy of Adangal
<b>Exhibit R6</b>		Copy of CMA petition filed by Hon'ble Principal Sub Court, Tiruvannamalai.

District Munsif-cum-Judicial Magistrate,  
Kilpennathur.