

IN THE COURT OF THE DISTRICT MUNSIF, THIRUVOTTIYUR

Present: Thiru.R.Revanth., B.A., L.L.B., (Hons.)

District Munsif,

Thiruvottiyur

Monday, this the 16th day of February 2026

I.A.No. 02 of 2024

in

O.S.No.42/2024

A.Sundaravadivel

... Petitioner / Plaintiff

//Vs//

1. T.Ramalakshmi

2. Thiruganasambandan

... Respondents/Defendants

This petition came up on 19.01.2026 for final hearing before me in the presence of M/s.K.Senthil and M.Subash Chandra Bose Learned Counsels for Petitioner / Plaintiff and M/s.N.Nagasundram and K.N.Narensarath Learned counsels for the Respondents/Defendants and upon perusing the available records upon hearing the enquiry on both sides and having stood over for consideration till this date this court made the following:-

ORDER

This petition is filed by the petitioner under Order 39 Rule 1 & 2 of CPC to grant ad interim injunction thereby restraining the respondents and their men, agents, servants or any other person claiming through or under him from any manner

interfering with the peaceful possession and enjoyment of the suit property bearing No.1, 1st Street, Bharathiyar Nagar, Ernavoor, Chennai 600 057, and more fully described in the schedule to the petition.

2. The averments of the petition/affidavit filed by the petitioner/ in short are as follows:

The petitioner states that he was the Petitioner herein and the plaintiff in the above suit. The 1st respondent/defendant are owners of the property bearing No.1, 1st street, Bharathiyar Nagar, Ernavoor, Chennai 600057 morefully described in the schedule hereunder and 2nd respondent/defendant is the husband of 1st respondent/defendant. The petitioner entered by rental agreement as a tenant in respect of premises in No.1, 1st street, Bharathiyar Nagar, Ernavoor, Chennai 600 057, for non residential purpose in the said premises on the monthly rent was Rs.3,000/- and also the petitioner paid a sum of Rs.50,000/- towards rental advance and the rent is payable on or before 5th day of English calendar month to the 1st respondent/defendant.

Further, in the month of April 2024 2nd respondent/defendant came in to the suit property at the time he threatening him to vacate suit property immediately. Moreover the 1st respondent/defendant filed fair rent application before this court the same was pending before this court in RCOP.N.09/2015. The petitioner was

regularly paying the monthly rent without any default, from the date of tenancy 1st respondent/defendant not issued any receipt for the monthly rent paid by him. The petitioner paid the monthly rent till March 2024 to the 1st respondent/defendant. At the time of entering rental agreement with the 1st respondent/defendant the suit property was vacant land at the request of 1st respondent/defendant he spent more than 5,00,000/- for developing the suit property with shed the above expenses the same will be treated as advance agreed by 1st respondent/defendant.

Further, the 2nd respondent/defendant came into suit property on 10.04.2024 at the time the 2nd respondent/defendant threatened him to vacate suit property immediately. On 10.04.2024 the 2nd respondent/defendant has been sending his henchmen to threaten him to vacate and handover the vacant possession of his non residential portion. On 10.04.2024 he went to outside for personal work at the time the 2nd respondent/defendant and his henchmen tried to break open his portion with an intention to evict him from the suit property against the law.

Further, the petitioner immediately given police complaint on 10.04.2024 before the Inspector of Police, M5, Ennore Police Station, Chennai. Both of them appeared before the Inspector of Police for enquiry at that time the police officials advised both the parties to approach the civil court for necessary relief. The petitioner was doing business in the suit property for the 25 years and if he evicted illegally he will be put to irreparable loss and hardship, if he was evicted illegally and forcibly, on

the other hand no prejudice will be caused to the respondents/defendants by adopting the due process of law for evicting him. Hence this petition.

3. The averments of the counter filed by the Respondents in short are as follows:

The 2nd respondent states that the plaintiff has filed the suit for permanent injunction with suppression of material facts. The 1st defendant is the owner of the schedule mentioned property. The plaintiff is a tenant in the schedule mentioned property. The 1st defendant entered into a rental agreement with the plaintiff in the month of May 1995 for a period of 11 months for commercial business. The rental property is situated at No.24, Bharathiyar Nagar 1st Street, Ernavur, Chennai 57, an extent of 3290 sq.ft land and building. The initial monthly rent was a sum of Rs.700/- p.m and now the enhanced present rent is Rs.3,000/- p.m. The plaintiff has paid sum of Rs.5,000/- as advance to 1st defendant and not Rs.50,000/-. The plaintiff paid the rent up to February 2015 and thereafter stopped paying the rent. After February 2015 the plaintiff has filed the suit for permanent injunction against the defendants before this court in O.S.No.65/2015. The same was dismissed for default.

Further the 1st defendant already filed RCOP 09/2015 before this court for fixation of fair rent. The above RCOP is still pending. The plaintiff has filed

M.P.32/2020 and M.P.33/2020 in RCOP 09/2015. The 1st defendant also filed the Sec.11(4) application for arrears of rent in M.P.13/2022 on 20.07.2022 in the main petition. But the above application is still pending before this court for counter. The plaintiff has not paid the rent from March 2015 to till date and not deposited the rent before this court for 9 years and 6 months rent which is due. The 2nd defendant approached the plaintiff several times for collecting the arrears of rents. There was no response from the plaintiff. The plaintiff received the legal notice from the 1st defendant on 18.04.2022. But the plaintiff has not issued reply and has not paid the arrears of rent till date. The plaintiff is bound to pay the arrears of rent to the 1st defendant. The arrears of rent from March 2015 to August 2024 is Rs.3,42,000/- (Rs. Three lakhs forty two thousand only) for 114 months. The plaintiff is chronic defaulter of rent. The plaintiff has suppressed the real facts. he has not paid rent from March 2015 to till date. The plaintiff has paid Rs.5,000/- only towards rental advance and not paid Rs.50,000/- as advance. The plaintiff has not spent Rs.5,00,000/- for building. The defendants have not visited the suit item on 10.04.2024. The above date is imaginary one. The cause of action is not correct and court fees also not correct. Hence the respondent prays to dismiss the above petition with costs.

4. Now, the point for consideration is whether the petition filed under Order 39 Rule 1 & 2 of CPC has to be allowed or not?

5. The petition and other materials available on records were carefully perused. On the side of petitioner has examined and Ex.P1 to Ex.P8 were marked. On the side of respondents, they have not marked any exhibits and documents.

6. Materials perused. Heard on Petitioner side.

7. Upon considering the material case records and arguments placed before this court, this court finds that the petitioner is the plaintiff in the suit. The petitioner has filed the suit for permanent injunction to restrain the respondent/defendant from interfering with petitioner's peaceful possession and enjoyment of the suit properties except by due process of law. On the side of the petitioner, Exhibits P1 to P8 were marked to support his contentions. The petitioner submits that the 1st respondent is the owner of the property and 2nd respondent is the husband of the 1st respondent. The petitioner submits that he entered the suit property as a tenant by way of rental agreement. The plaintiff states the 1st respondent filed RCOP 09 of 2015 before this court and it is pending. The petitioner states that on 10.04.2024 the 2nd respondent came into suit property and at that time the 2nd respondent threatened him to vacate suit property immediately and on that day the 2nd respondent has sent his henchmen to threaten him to vacate and handover the vacant possession of his non residential portion. The petitioner further states that on 10.04.2024 when he went outside for personal work, the 2nd respondent and his henchmen tried to break open his portion with an intention to evict him from the suit property against the law.

8. The respondents submit that the petitioner is a chronic defaulter of payment of rent and they have not visited the suit property on 10.04.2024. Ex.P1 to Ex.P4 are the documents relating to the RCOP 09 of 2015 which is pending in this court. Ex.P5 and Ex.P6 are the E.B. payment receipts. Ex.P7 is the letter pad and Ex.P8 is the property tax demand notice.

9. On careful analysis of the above, it is noted that though the petitioner states that the respondents had interfered with his peaceful possession and enjoyment of schedule mentioned property, the petitioner has not placed before this court any proper evidence to prove the above stated interference by the respondents. The burden of proof is on the petitioner to prove the same to claim any interim relief. In the perception of this court, it is concluded that the petitioner has failed to establish his contention. Hence, this court is of the view that any adjudication regarding the same requires detailed evaluation of evidence and the same cannot be decided at this interlocutory stage. Hence, this court is of the opinion that the relief sought for in this petition has to be decided only upon conducting a full trial in the main suit. Therefore, this court is not inclined to grant the relief as prayed for in this petition at this stage.

In the result, this petition is dismissed. No costs.

Dictated directly to the steno-typist, typed by her in the computer, corrected and pronounced by me in open court, this the 16th day of February 2026.

District Munsif,
Thiruvottiyur.

List of exhibits and witnesses on Petitioner sides: Nil

- Ex.P1 - Petition in RCOP No. 09/2015 (Xerox Copy)
- Ex.P2 - Petition in M.P No.60/2019 in RCOP 09/2015 (Xerox Copy)
- Ex.P3 - Fair order in M.P No.60/2019 in RCOP 09/2015 (Certified Copy)
- Ex.P4 - Decreetal Order in M.P No.60/2019 in RCOP 09/2015 (Certified Copy)
- Ex.P5 13.03.1981 Tamil Nadu Electricity Board payment Receipt (Original)
- Ex.P6 13.03.1981 Tamil Nadu Electricity Board payment Receipt (Original)
- Ex.P7 - Letter pad (Original)
- Ex.P8 - Notice of demand for profession Tax (Original)

List of exhibits and witnesses on Defendant sides: Nil

District Munsif,
Thiruvottiyur.