

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.

PRESENT: TMT.J.MADHUMITHA, B.A.B.L(HONS.), L.L.M.,
DISTRICT MUNSIF, AMBATTUR.

Tuesday, the 28th day of April 2026.

INTERLOCUTORY APPLICATION NO.5 OF 2025

IN

ORIGINAL SUIT NO.52 OF 2025

CNR No.TNTR22 – 000113 – 2025

Manonmani

..... Petitioner/Plaintiff

Versus

1. R.Jayanthi

2. Ragesh

3. The Sub Registrar Ambathur

4. The Inspector of Police, Ambathur.

..... Respondents/Defendants

This petition having come on 02.04.2026 before me for final hearing in the presence of Shri.E.Arunagiri, I.Anbupiriyar and P.Karthick, learned counsels for the Petitioner/Plaintiff, Respondents/Defendants 1 and 2 were set exparte on 10.10.2025, Shri.R.Sivashankar, Government Pleader for the 3rd and 4th Respondents/Defendants, upon hearing the arguments made by the learned counsels for the petitioner and the learned counsels for the respondents, and also on perusal of the records, having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This application is filed under Order 39 Rule 1 and 2 of CPC to order for

directing to the D4 as a Inspector of Police Ambathur, for attachment of the suit property till the disposal of the criminal case against D1 & D2 filed by the D4 in Crime No.320/2020 under Section 406, 420 of IPC.

CONCISE STATEMENT OF PETITION FILED BY THE PETITIONER:

2. The Petitioner/Plaintiff states that the suit scheduled property land bearing plot No.3, measuring an extend of about 2496 sq.ft situated at Kurunji Street, Vivekananda Nagar, Old No.58, New No.16, Thirumullaivayal Village, Ambathur Taluk, Thiruvallur District comprised survey No.456 and new S.No.4561A1A1A3 and patta No.2966 within the Avadi Township. The above said D1 was purchased "B" schedule property as a flat in S2 second floor. Plot No.S2, in the second floor of the Schedule "A" mentioned property. With an extent 851 sqft of super built up area (Plinth Area – 709, Common Area 142, UDS427, with car parking. The suit schedule "B" property belongs to the 1st defendant. Vide registered sale deed Doc. No.2483/2017, 2484/2017, filling on SRO Ambathur.

3. That the above said 1st defendant collided with 2nd defendant are cheated to me in the year 2019. Both are husband and wife. In the year of 24.05.2019 they are approached to me and saying some words of desire as both are working in the SBI life insurance at Ambathur Branch. If you pay money on SBI life insurance and also they will get more money back and cheat that they will pay the monthly interest in every month for the deposited amount. Rely on the word of their desire, I had deposited in five bonds totally 13,00,000/- all amounts were paid through online and

cheque only to send by me to paid on the bank accounts of the D1 & D2.

4. That the above said D1 & D2 send five fake SBI life insurance and through courier. I have been receive the same and kept. The above said defendants 1 & 2 are sent interest only 3 or 4 month only to the plaintiff, after that not sent. I was immediately inquired to the branch manager of the SBI life insurance at Ambathur branch about the defendants 1 & 2. But he not give a proper answer to me. Both are become hiding.

5. That I had lodge a complaint to the 4th defendant on 10.12.2019 the 4th defendant was filed a FIR against the D1 & D2 and other in Crime No.320/2020, under Section 406, 420 of IPC. But not take action against the defendants 1 & 2, I went to directly to where the suit property, without knowing what to do. But I met to the D1 and asks about what was cheated by the D1 & D2. The D1 says that her husband D2 has drowned in the sea and died, and say to promise to pay money to me. I was returned from that place to approach to the inspector of police Ambathur police station. And told the details that took place. But the inspector of police not take any legal action against the D1 & D2 wantonly.

6. That the plaintiff has been approached to the inspector of police at Ambathur police station 4 years regularly. The D4 as a inspector of police Ambathur Police station was not take action about the case filed against the D1 & D2. I had sent to the complaint to the police commissioner and Chief minister of Tamil nadu. Finally I was send a complaint to the Commissioner of police at Avadi and the Chief Inspector

of Tamil Nadu, on 28.11.2024. After that the current Inspector of police Ambathur police station send a notice for enquiry to me on 15.01.2025 basis on the current paper forwarded form the Chief Minister of Tamil Nadu. I am also appear for enquiry before the police. The police has been searching past 3 months to the D1 & D2 but cannot find them.

7. That the defendant D1 & D2 are abscond, the D4 cannot arrested more than 3 years. I was given complaint for take legal action against the D1 & D2 in all higher police officer, no legal action has been taken so far. The plaintiff loses money and lives in a very serious situation and in poor condition. The only way me knows is to freeze without selling the suit property. The defendants D1 & D2 have muscle power and political background in that locality and the defendants D1 & D2 are not a law abiding citizen at any time the defendants D1 & D2 are not a law abiding citizen at any time the defendants D1 try to sell the suit property and escape from legal action. If the D1 succeed their attempt, I have been put to irreparable loss and hardship. The balance of convenience in favour of the plaintiff without any option me approach this Hon'ble Court for this grievance since I have filed the suit urgently before this Hon'ble Court.

8. That no similar suit has been filed by me as against defendants here in for the same cause of action before this Hon'ble Court. The cause of action for this suit arose on 24.05.2019 the date on which the defendants D1 & D2 was approached me and demand to deposit the amount in SBI life insurance after that I had give a two cheque

each sum of Rs.2,00,000/- Thereafter on 12.06.2019 and 14.06.2019 the D1 & D2 received the sum of Rs.9,00,000/- (Nine lakhs only) and given 5 fake bond to me after that the I had lodge a complaint against the D1 & D2 on before the D4. He was filed a FIR on 20.03.2020. Not take any action against the D1 & D2. Finally I have approach to the inspector of police on 08.03.2025 and the sub registrar of 10.03.2025, both are advised me to obtain the injunction through Court of law and subsequent date at Ambathur Village, Ambattur Firka, Ambathur Taluk Thiruvallur District is within the jurisdiction of this Hon'ble Court.

9. Hence prayed to order for directing to the D4 as a Inspector of Police Ambathur, for attachment of the suit property till the disposal of the criminal case against D1 & D2 filed by the D4 in Crime No.320/2020 under Section 406, 420 of IPC.

CONCISE STATEMENT OF THE WRITTEN STATEMENT FILED BY THE 3rd RESPONDENT/DEFENDANT AND ADOPTED AS COUNTER:

10. The Third defendant submits that the instant suit is not maintainable both in law and on facts and the third defendant is an non-necessary party to the suit. Besides, Government officials cannot be restrained from doing his duties and on this ground alone the suit is liable to be dismissed with costs. That there is no interim injunction petition in this case as such the petition under section 80 cpc, should not be allowe dfor filing a suit against the government. The plaint is supposed to give a notice as contemplated under section 80 CPC and for not giving such notice in this case this suit is to be dismissed and Further, the third defendant is hereby submits that

he is always prepared to abide by any orders being passed in the present case by this Hon'ble Court.

11. That this defendants are impleaded in the suit without any relief of purpose and there is no mentioned or pleading against the third defendant. The third defendant further submits that he is only formal party. This case is a dispute between the plaintiffs and the defendants 1 & 2, third defendant is not concerned with this dispute and the plaintiffs has averred anything against the third defendant, the plaintiff is under liability to strict proof of the same.

12. That if any document presented pertaining to the suit property defendant is concerned if any document is presented for registration pertaining to property the third defendant cannot stop the same, if the document so submitted is in accordance to law, without order of the competent court of law and therefore the allegation of the plaintiff on this defendant is baseless and vexatious, contending the title and ownership over the suit property, the responsibility is vested with the plaintiff to inform the same to this defendant through this Hon'ble Court, as contemplated under Rule 89 of the civil Rules of practice and section 31 of the specific Relief Act and seek remedy.

13. That the third defendant being a limb of the government cannot be stopped from doing his duty no injunction can be granted to the affected to that effect. The third defendant further submits that there is no urgent or interim petition against the third

defendant as nothing is served on the third defendant and in the absence of an interim petition against the third defendant the plaintiff as to give 90 days notice as contemplated under 89(2) CPC and the plaintiff cannot file an affidavit and get this 90 days period dispensed with the third defendant re-iterates that there is no allegation against the third defendant anywhere in the plaintiff and such is not maintainable against the third defendant.

14. That the third defendant is unnecessarily added as a party is a clear case of misjoinder of parties and so the suit is liable to be dismissed as against the third defendant hereby reserves his rights to file additional written statement in future, if required. Hence prayed to dismiss the above suit as against the third defendant with exemplary costs.

CONCISE STATEMENT OF THE WRITTEN STATEMENT FILED BY THE 4th RESPONDENT/DEFENDANT AND ADOPTED AS COUNTER:

15. The Fourth defendant submits that he is the fourth defendant also the Inspector Crime T1, Police Station and files this written statement on the basis of materials available in the file maintained by his office and well acquainted with facts of this case. That the instant suit is not maintainable both in law and on facts and the fourth defendant is an non-necessary party to the suit. Besides, Government officials cannot be restrained from doing his duties and on this ground alone the suit is liable to be dismissed with costs.

16. That there is no interim injunction petition in this case as such the petition under section 80 CPC, should not be allowed for filing a suit against the government.

The plaintiff is supposed to give a notice as contemplated under section 80 CPC and for not giving such notice in this case, this suit is to be dismissed. Further, the fourth defendant is hereby submits that he is always prepared to abide by any orders being passed in the present case by this Hon'ble Court.

17. That this defendant are impleaded in the suit without any relief of purpose and there is no mentioned or pleading against the fourth defendant. The fourth defendant submits that he is only formal party. This case is a dispute between the plaintiff and the defendant 1 & 2 and the fourth defendant is not concerned with this dispute and the plaintiff has averred anything against the fourth defendant, the plaintiff is under liability to strict proof of the same.

18. That the plaintiff lodged a complaint against defendants 1 & 2 on 09.12.2019 fourth defendant interrogated the complaint and complaint was registered in FIR 320/2020 U/s 406, 420 of IPC further defendant 4 searched defendant 1 & 2 in their address but they were not living in that address, further police searched defendant 1 & 2 but their efforts were in vain, further without order of competent court this defendant cannot attach the suit property as prayed by the plaintiff. That the fourth defendant is unnecessarily added as a party is a clear case of misjoinder of parties and so the suit is liable to be dismissed as against the fourth defendant and hereby reserve his rights to file additional written statement in future, if required.

19. Hereby undertakes that the fourth defendant is prepared to oblige to any orders

of this Hon'ble Court. Hence prayed to dismiss the above suit as against the fourth defendant with exemplary costs.

POINT FOR CONSIDERATION:

20. Whether the petition has to be allowed or not ?

Discussion and Findings-

21. Heard both sides, perused materials on record. On due perusal of the both side contention, this court finds that the Petitioner/Plaintiff has come up with this application that the 1st defendant colluded with 2nd defendant and cheated the Petitioner in the year 2019 by approaching to pay money on SBI life insurance and also they will get more money back and that they will pay the monthly interest in every month for the deposited amount by which the Petitioner had deposited in five bonds totally 13,00,000/- (thirteen lakhs only) all amounts were paid through online and cheque only to send by me to paid on the bank accounts of the 1st and 2nd Defendant for which they sent five fake SBI life insurance to Petitioner through courier, and that Petitioner has given complaint for take legal action against the 1st and 2nd Defendant in all higher police officer, no legal action has been taken so far, as the 1st and 2nd Defendant are abscond. This petition is filed by the Petitioner as the only way left is to freeze without selling the suit property as there is apprehension that at any time the 1st defendant will try to sell the suit property and escape from legal action.

22. On perusal of Complaint Document No. 2 to 6 it is observed that the Petitioner has received a note of payment from the SBI Life insurance which is alleged to be fake,

in the name of money back plan, but as such there is no particular date as to when the payment was made by the Petitioner. The 1st and 2nd Defendant have been set exparte on their non-appearance before Court on receiving notice. This application relief is sought against the 4th Defendant, Inspector of Police to attach the property in name of 1st Defendant. Plaint Document No. 16 is the certified copy of sale deed in name of the 1st Defendant on the date of 09.03.2017. On perusal of Document No.17 only two pages of encumbrance certificate are filed, with respect to page no.25, 26, and there is absence of first page of the encumbrance certificate to infer the period of encumbrance called for. Hence the Petitioner has not prima facie proved that the suit property is in the name of 1st Defendant till date.

23. It is observed that the 4th Respondent has filed FIR No.320 of 2020 upon the complaint given by the Petitioner against the 1st and 2nd Defendant. Further as the civil procedure code contains a efficacious remedy for Attachment before Judgment, but the Petitioner has not filed under such provision, and has sought relief for a direction to 4th Respondent through this application for ad-interim injunction to attach the suit property. As the Petitioner has filed criminal case against the 1st and 2nd Defendant and the same is pending as FIR.No.320 of 2020 on the file of 4th Respondent, the Petitioner's relief for direction for attachment of suit property is not maintainable. Further the criminal proceedings are pending against the 1st and 2nd Defendant. Such pendency of civil and criminal proceedings alone does not give locustandi to attach the property of 1st Defendant from any alienation further. It is

inferred that the suit is ripe for framing of issues and trial, and thus Court cannot bypass a full trial and decide the entire case immediately. It is well settled that by way of interim relief final relief cannot be granted. The Apex Court in the case of **State of U.P v. Ram Sukhi Devi, (2005) 9 SCC 733** in paragraph 8 has clearly held that final relief cannot be granted by way of interim relief.

24. Hence, this Court finds that the prima-facie case and balance of convenience of the Petitioner/Plaintiff have not been convincingly established before this Court, and there is no the irreparable injury on the side of the Petitioner if this petition is dismissed. Further, the issue whether the Petitioner/Plaintiff are entitled to injunction relief against the Respondents can be decided only at letting in evidence of both side and can be tested only in trial, and at this juncture it is pertinent to point out that our **Hon'ble apex court Division bench has held in ANAND PRASAD AGARWALLA V. TARKESHWAR PRASAD & ORS [2001] INSC 292 (9 May 2001) S. Rajendra Babu & Shivaraj V. Patil (DB) :**

" It may not be appropriate for any Court to hold mini trial at the stage of grant of temporary injunction".

25. The entire suit revolves around the alleged fraud committed by 1st and 2nd Respondent, which is an issue that involves complicated question of law and facts and has to be decided on evidences produced by both parties. It is premature to decide these issues in this petition filed only for temporary injunction holding the same prayer relief as that of main suit. Hence in the light of our Hon'ble Apex court

division bench Judgment to the case on hand, the prima facie case putforth by the Petitioner/Plaintiff and Respondents side need to battled out only the trial and it can be decided only at the trial. Hence this Court does not find the prima facie case nor the balance of convenience in favour of the Petitioner, nor any irreparable loss or injury to the Petitioner at this stage.

RESULT :-

26. In the result this petition is dismissed. No cost.

Dictated to the steno-typist, typed directly by her in the desktop, corrected and pronounced by me in the open Court on this the 28th day of April 2026.

**DISTRICT MUNSIF,
AMBATTUR.**

Petitioners Side and Respondents Side Witnesses and Exhibits : Nil

**DISTRICT MUNSIF,
AMBATTUR.**