

**DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
SHENCOTTAH**

Present: Thiru. M.SUNIL RAJA, B.A., M.L.,

District Munsif cum Judicial Magistrate

Dated on this the 15th day of March 2023

I.A.04 of 2022

in

O.S.No.59 of 2022

M.Lakshmi Murugesan

.....Petitioner/Plaintiff

Represented by POA Mr.T.Thangapandi

Vs

1. S.Durairaj

2. M.Kumar

..Respondents/Defendants

This suit is coming before me on 15.03.2023 for final hearing in the presence of the learned counsel Tr.S.Ashokraj for the Petitioner/Plaintiff and the learned counsel Tr.K.Vellaisamy for the 1st Respondent/Defendant. R2 Respondent/Defendant is set exparte on hearing both sides, upon perusing the material records, documents and having stood over for consideration till date this court delivers the following....

ORDER

This petition is filed for Ad-interim injunction and a temporary injunction.

2. The counsel for Petitioner and the R1, R2 are present. The petitioner counsel submitted that the suit properties purchased by the plaintiff/ petitioner from the legal heirs of Madathi and Shivani Ammal by way of sale deed dated 07.03.1990.

3.

3. Further, the revenue records, tax receipts are in the name of the petitioner /plaintiff and the separate Patta also obtained by the plaintiff and the plaintiff is in possession. On the other hand, the R2 claimed the property is Panchami land and they filed a petition before the RDO and it was dismissed by the RDO vide order dated 07.11.2022. Further the plaintiff prayed for temporary injunction in favour of the plaintiff.

4. This petition notice was served on the respondents 1 and 2. The first respondent filed counter and stating that the suit property is the Panchami land and during British period 1962 it was given to Mr.Karuppan Kudumbam and his daughter is Eshwari. She alone is the owner of the property. Therefore, the defendant /first respondent has preferred a petition before the RDO and it was dismissed and against the order of dismissal an appeal was filed and pending. Hence, prayed for dismissal of this petition.

5. The 2nd respondent has not filed a counter and set exparte on 23.02.2023.

6. Heard both sides. Perusal of the documents No.1 filed along with the plaint, it is a sale deed dated 07.03.1990 it shows that the plaintiff purchased the suit property from Mr. Shanmugam and Mr.Puthiyan as they are the legal heirs of the deceased Madathi and Shivani Ammal. The Document No.2, 3 shows the property which stands in the name of the plaintiff.

7. Further, on perusal of Document No.7 an order passed by the revenue divisional officer shows that the property is not entered as Panchami land in 'A' register and revenue records.

8. This petition is filed for the Injunction alone and while hearing of this petition this court need not conduct any mini trial. Considering the plaint

documents No.1 to 3 and 7, this court views the plaintiff has prima facie case in favour of the plaintiff at this stage and it is necessary to protect the possession of the petitioner and if an order of injunction is not granted the petitioner will be suffered irreparable and the balance of convenience is also in favour of the plaintiff. Therefore, for the said reasons Interim injunction is granted till the disposal of this Suit and this petition is allowed.

In the result, this petition is allowed.

District Munsif Cum
Judicial Magistrate, Shencottah