

In the Court of the District Munsif, Sathankulam.

Present. Thiru.M.Siva Rajesh, B.B.A.,L.L.B.,

District Munsif Sathankulam.

Dated:- This the 18<sup>th</sup> day of August 2025, Monday.

IA.No.578/2024

in

O.S.No.82/2024

Robert Sathyan (Age 39),

S/o. Dharmaraj,

Door.No.29, Dharmadurai Street,

Thisayanvilai Village, Thisayanvilai Taluk,

Thoothukudi District.

..... Petitioner/Plaintiff

VS

1. Rajasingh (Age 52),

S/o. Duraipandi,

Door.No. 97, Sivagami Kamaraj Avenue 1<sup>st</sup> Street,

Thisayanvilai Taluk, Thirunelveli District.

..... Respondent/Defendant

Advocate for the Petitioner: Thiru.S.Selvan

Respondent : Thiru.G.Rajan Subasis

**1. Relief :**

1.1 The petitioner seeks a temporary injunction restraining the respondent from alienating the first suit schedule property until the main suit is disposed of.

**2. Case of the petitioner :**

2.1 The petitioner states that he purchased the 1st scheduled property measuring 4.96 cents on 13.06.2019 from Amarrajan, registered as Document No. 543/2019 in the Kommadikottai Sub-Registrar Office. The southern portion of this property is owned by the respondent, while the eastern portion is owned by Kumar Adityan. As both required access to their respective lands, they requested the petitioner to transfer 1.185 cents each from the scheduled property. Consequently, on 12.07.2024, the petitioner and the respondent

executed a mutual unregistered agreement, wherein the petitioner agreed to register 1.185 cents in favour of the respondent, and in return, the respondent agreed to convey 3 cents situated within the jurisdiction of Thisayanvilai Sub-Registrar Office to the petitioner.

2.2 The petitioner states that on 12.07.2024, a mutual unregistered agreement was executed between him and Kumar Adityan, under which the petitioner agreed to register 1.185 cents of land in the 1<sup>st</sup> scheduled property in favour of Kumar Adityan, and in return, Kumar Adityan agreed to register 3 cents situated on the eastern side of the petitioner's 1<sup>st</sup> scheduled property.

2.3 The petitioner states that on 15.07.2024, he executed a registered deed transferring 1.185 cents of land in favour of Kumar Adityan (Doc. No. 776/2024) and, relying on the respondent's assurance of transferring 5 cents in the 2<sup>nd</sup> scheduled property, also executed 1.185 cents in favour of the respondent (Doc. No. 775/2024). However, the 3 cents promised by Kumar Adityan was later found to be an unauthorized plot and could not be registered, leading him to reconvey the land to the petitioner (Doc. No. 794/2024 on 19.07.2024).

2.4 Subsequently, upon inquiry at the Thisayanvilai Sub-Registrar Office, the petitioner discovered that the 2<sup>nd</sup> scheduled property promised by the respondent was also an unauthorized plot, and the respondent, despite being aware, concealed this fact with mala fide intent, thereby cheating the petitioner.

2.5 When the petitioner warned of lodging a police complaint, the respondent compromised, promising to pay ₹6,00,000/- for the 1<sup>st</sup> scheduled property. However, he later refused payment or reconveyance and instead issued threats. The petitioner lodged complaints before Thattarmadam Police Station (01.10.2024), the Deputy Superintendent of Police, Santhakulam Sub Division, and the Superintendent of Police, Thoothukudi District (14.10.2024), but no effective action was taken.

2.6 Fearing further cheating and alienation of the property, the petitioner seeks a restraining order against the respondent to prevent alienation of the 1st scheduled property until disposal of the suit.

### **3. Case of the respondent :**

3.1 The respondent denies the petitioner's allegations and asserts that on 15.07.2024, after due consideration, the petitioner executed Document No. 755/2024 in his favour at the Kommadikottai Sub-Registrar Office, pursuant to which he has been in possession and enjoyment of the 1st scheduled property. He contends that the present petition has been falsely filed to harass him and disturb his peaceful possession. Alleging that the petitioner has approached the Court with unclean hands, the respondent prays for dismissal of the petition.

### **4. Findings of this Court :**

4.1 The petitioner herein reiterated the contents in the petition and placed his reliance on **Section 52 of Transfer of Property Act, 1882**, principles laid down in **Dalpat Kumar Vs. Prahlad Singh (1992) 1 SCC 719** and **Raj Kumar Vs Sardari Lal (2004) 2 SCC 601**, and plead before this court to allow this petition.

4.2 The respondent herein reiterated the contents in the counter and sought for dismissal.

4.3 Heard. Record Perused. It has to be noted that the very validity of Document No. 755/2024 and the question of whether the transfer in favour of the respondent was procured by fraud is the issues directly in question.

4.4 At this juncture it is worthy to note that, Section 52 of the Transfer of Property Act, 1882 embodies the doctrine of *lis pendens*, which mandates that during the pendency of any suit involving rights to immovable property, the property in dispute cannot be transferred or otherwise dealt with by any party to the suit so as to affect the rights of the other party. The provision operates automatically and is intended to preserve the subject matter of the suit until its final adjudication.

4.5 Accordingly, regardless of the rival claims of ownership, any alienation or encumbrance of the 1st scheduled property during the pendency of the present suit would be hit by Section 52 Transfer of Property Act.

4.6 Given the aforesaid observation and to avoid multiplicity of proceedings, this court thinks fit to allow this petition.

**Accordingly this petition is allowed. No cost.**

Dictated to the Steno-Typist, typed by her, corrected, and pronounced by me in open court on this the 18<sup>th</sup> day of August, 2025.

District Munsif,  
Sathankulam

**Petitioner side witness and documents -Nil**

**Respondent side witness and documents -Nil**

District Munsif,  
Sathankulam

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| District Munsif Court, Sathankulam,<br>IA.No.578/2024 in<br>OS.No.82/2024<br>Fair/Draft Order<br>Dated : 18.08.2025 |
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