

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI

Present: **Thiru V.ESHWAR, B.E., LL.B.,**
District Munsif, Vaniyambadi

Dated this the 30th day of June, 2025

I.A. No.: 02 of 2022

in

O.S. No.: 48 of 2022

Lalitha Ammal

... Petitioner / Plaintiff

Vs.

1. Thirupathy
2. Devaraj
3. Settu
4. Sivaperumal, @ Kuppan
5. Gajapathy

... Respondents / Defendants

This petition having been taken on file on 19.04.2022 and came before me for final hearing on 30.06.2025 in the presence of Mr. K.Umar, Advocate for Petitioners, and Mr. R.V. Varadarajan, Advocate for Respondents, and after this petition having stood over under this court's consideration and upon perusing the records and hearing the arguments, this court this day delivered the following:

ORDER

Petition filed under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC').

Brief Facts of the Petition:

2. The Petitioner herein is the plaintiff in the above suit and is well acquainted with the facts of the case. It is humbly submitted that the petition mentioned property and other properties originally belonged to one Ranganathan. The said Ranganathan purchased the property from one Govindaraji Naidu vide registered Deed No. 214/1986, dated 23.09.1986. The said Ranganathan had purchased 40 cents of land in S.No. 320/7B to the extent of 0.15 acre and in S.No. 322/1B to an extent of 0.33 acre. The said Ranganathan had sold 0.28 acre of land (in S.No. 320/7B to an extent of 0.15 acre and in S.No. 322/1B to an extent of 0.13 acre) in favour of the Petitioner for good and valid consideration, and the said sale Deed was registered vide Document No. 907/2020, dated 09.10.2020. The Petitioner also obtained Patta in her name.
3. The Petitioner humbly submits that the Respondents are third parties and do not have any semblance of right or interest over the petition mentioned properties. However, the Respondents, who are stated to have significant manpower and whose relatives reside around the petition mentioned property, are indulging in giving trouble to the Petitioner in her peaceful possession and enjoyment of the petition mentioned property.
4. It is humbly submitted that the Petitioner is being often disturbed by the respondents, and even on 10.04.2022, the Respondents joined together and

attempted to prevent the Petitioner's men from ploughing the land. The Petitioner had complained the matter to the Taluk police, Vaniyambadi, but the police, even without receiving the complaint, returned it stating that the matter is civil in nature and advised the Petitioner to approach the civil court for remedy. The Respondents are neighbours and owners, and they are planning to grab the Petitioner's property.

5. The Petitioner's various efforts failed to yield any response, and as such, she is constrained to file the suit. The Petitioner states that she is a supportless lady, and taking undue advantage of this, the Respondents are often giving trouble to her peaceful possession and enjoyment.
6. The Petitioner asserts that there is a prima facie case in her favour, the balance of convenience is in her favour, and if the injunction is not granted, she will be put to irreparable loss and hardship which cannot be compensated in money value.
7. The Petitioner states that she is filing the original Deeds standing in her name, the Patta, and few other documents to prove her right, title, and interest over the petition mentioned property, and the same may be read as part and parcel of this affidavit.
8. Hence, the Petitioner prays that the court may be pleased to grant an order of temporary injunction restraining the Respondents, their men, agents, and servants from interfering with her peaceful possession and enjoyment of

the petition mentioned property in any manner whatsoever, and also further grant an order of ad-interim injunction on the same lines till the disposal of this petition, and to thus render justice.

Counter Averments [Memo was filed to treat the Written Statement as counter filed by 5th Defendant (Adopted by defendants 1 to 4)]:

9. The respondent submits that the plaintiff's suit is false, frivolous, and not maintainable either in law or on facts. This Defendant does not admit any of the allegations made in the plaint save those that are specifically admitted herein, and the plaintiff is put to strict proof of all those allegations which are not so admitted herein.
10. The allegation that the suit schedule mentioned property and other properties originally belonged to Ranganathan is not wholly correct. This Defendant reiterates that the said Ranganathan was not an absolute owner of the entire extent of suit properties. The further allegation of the plaintiff that the said Ranganathan purchased the property from one Govindaraji Naidu vide registered deed No. 2214/1986 dated 23.09.1986 is also not wholly correct. The further allegation of the plaintiff that the said Ranganathan had purchased 48 cents of land in S.No. 320/7B to an extent of 0.15 acre and in S.No. 322/1B to an extent of 0.33 acre is also not wholly correct. This Defendant disputes the correctness of the extent in title deed and revenue records with respect to 0.15 acre of land in S.No. 320/7B,

asserting there is no such extent of property in the said survey. There is an error in Chitta in respect of 0.15 acre of land. As per survey plan measurements, the extent of property is 0.10 1/2 acre only. This property's subsequent sub-division is suppressed in the plaint.

11. The said Govindaraji Naidu had no right to sell the entire property referred to in the alleged above-said sale deed. It is absolutely false to allege that the said Ranganathan had sold 0.28 acre of land (in S.No. 320/7B extent 0.15 acre and in S.No. 322/1B extent 0.13 acre) in favour of the plaintiff under a registered sale deed vide document No. 5907/2020 dated 18.10.2020. The said Ranganathan had no right to sell the suit property in favour of the plaintiff. At the time of sale, the said Ranganathan had no transferable right and possession in the suit property. The alleged sale deed in the name of the plaintiff is a fraudulent document and the same is not admitted by the defendants. The plaintiff's vendor himself has no right to transfer the suit property in favour of the plaintiff. The alleged patta in the name of the plaintiff is not a valid and enforceable document and the said patta is also not admitted by the defendants. The other allegations in paras 3 & 4 of the plaint are all false and denied hereby.

12. It is false to allege that defendants are third parties and do not have any semblance of right or interest over the suit properties. It is true to state that the defendants and their relatives are residing around the suit property. It is

equally false to allege that the defendants are having manpower and the defendants and their relatives are indulging in giving trouble to this plaintiff in her peaceful possession and enjoyment of the suit property. As the plaintiff is not in possession and enjoyment of the suit property, the question of giving trouble to the plaintiff will not arise. It is false to allege that the defendants attempted to prevent the plaintiff's men from ploughing the land on 10.04.2022. The alleged police complaint is a false complaint. The other allegations in para- 5 to 7 are all false and denied hereby.

13. There is no cause of action for the suit and the cause of action set out in the plaint are all false and denied hereby. The plaintiff has suppressed material facts in the plaint and so she is not entitled to the relief of injunction. The Valuation of the suit and payment of court fee are also not correct. The sale deed dated 22.09.1986 in the name of Ranganathan to the extent of the 2nd item of the suit and the sale dated 08.10.2020 in the name of the plaintiff in respect of suit properties are not admitted by this defendant and the same are not valid and enforceable.
14. This Defendant states that the property to the extent of 52 cents in S.No. 322/1B of Kalendra Village, as stated in the 1st item of suit property, originally belonged to Muniyappa Naidu of Kalendra Village. He had a son, M.Govindaraji Naidu, who obtained 33 cents in the S.No. 322/1B in an oral partition effected in the family. The said Govindaraji sold this property

to his brother Ranganathan under a registered sale deed dated 22.09.1986. The said Ranganathan sold a portion of property to the extent of 14 cents as 1st item and 6 cents as 2nd item, totally to the extent of 20 cents, in the said survey to and in favour of one Devendiran under a registered sale deed dated 17.09.1996. The said Devendiran sold the very same property to the plaintiff's paternal grandmother, namely Muniyammal, under a registered sale deed dated 09.07.2008. In between the 1st item and 2nd item of the said properties, there has been a Panchayat Thar Road. The same has been reflected as one of the boundaries of the purchased properties of the said Devendiran and subsequently Muniyammal. After the death of the said Muniyammal, her legal heirs, namely the defendants herein, succeeded to the estate of deceased Muniyammal, and the defendants have been in possession and enjoyment of the said property as absolute owners. In the same survey, one Anji purchased a portion of property from Amaravathi Ammal.

15. This Defendant further states that the remaining property to the extent of 13 cents in S. No. 322/1B belonged to Ranganathan was converted as Panchayat Thar Road which has been used by the general public of the village in or about 1994. The said Ranganathan had no objection for the formation of the Panchayat Thar Road. The defendants and villagers of the concerned suit village have been using the said Panchayat Thar Road for the past 30 years continuously, and this is known to the plaintiff and her

vendor over the 1st item of suit property by customary easement. Thus, the defendants and general public in the Village have been continuously using the 1st item of suit property as a public road known to the plaintiff and her vendor for the past 30 years. The Plaintiff's vendor was never in possession and enjoyment of the 1st item of suit property from 1994. The plaintiff has not been in possession and enjoyment of the 1st item of suit property. Thereby the plaintiff is estopped from claiming right and title over the 1st item of suit property.

16. This Defendant disputes the extent of 0.15 acre of land in S.No. 320/7B. There is no such extent of property in the said survey. There is an error in chitta in respect of 0.15 acre of land. As per survey plan measurements, the extent of property is 0.10 1/2 acre only. This property was subsequently sub-divided, which was suppressed in the plaint. But it was wrongly mentioned in the sale deed of the said Ranganathan. This property was originally a common cart road to reach the lands in S. No. 319, S. No. 320, S. No. 322. The said Govindaraji Naidu himself was having a fraction of right in the said survey. In other words, the said Govindaraji Naidu, who had no absolute right in the said survey, cannot transfer the entire extent in favour of his brother Ranganathan under a registered sale deed dated 22.09.1986. No title will be passed to the said Ranganathan under the said sale deed.

17. This Defendant further submits that the property to the extent of 7 1/2 cents in S. No. 320/7B2 has been in the occupation of the said Muniyammal from the date of her purchase, that is 09.07.2008, till her death in 2016 and thereafter in the occupation of the defendants till date. Thus the defendants and their predecessor in title have been in continuous, peaceful possession of the said property for the past more than 16 years. The 4th defendant has constructed an RCC roofed house building comprising in both S.No. 320/7B2 and S.No. 322/1B about 13 years ago and he obtained an EB service connection and Panchayat tap water connection to the said house situated in a portion of the said property. The 4th defendant has been paying house tax in his favour. The defendants have been raising various periodical crops in the remaining extent of the said property. Thus, the defendants have perfected their title by adverse possession to the extent of 7 1/2 cent in S.No. 320/7B2. The defendants and their common ancestor Muniyammal have been in possession and enjoyment of property in S. No. 370/7B from 09.07.2008 peacefully, openly, continuously, and as of their right known to and hostile to entire villagers and joint patta holders including the plaintiff and her vendor. Thus, the defendants and their predecessor have perfected their title to the extent of 7 1/2 cent in S.No. 320/7B2. The remaining portion (S.No. 320/7B1 & S.No. 320/7B2) has been in possession and enjoyment of one Anji. This Defendant states that in case of taking commission for local visit, the truth will be exposed.

18. This Defendant further submits that the sale deeds of the Devendiran and Muniyammal are prior in point of time whereas the plaintiff's sale deed is a later point of time. Knowing fully well about the above said facts, the said Ranganathan and the said Lalitha Ammal fraudulently created a sale deed dated 18.10.2020. The said sale deed is a fraudulent document, not valid and enforceable document. No title will be passed to the plaintiff under the said fraudulent document. No possession was delivered to the plaintiff. As the plaintiff has come with unclean hands by suppressing the above said facts, the plaintiff is not entitled to any equity relief of injunction in the above suit. In these circumstances, the plaintiff has no right, title, and interest in the suit properties, and thereby the plaintiff cannot lay the above suit for declaration and for consequential permanent injunction. So, the plaintiff's suit is highly vexatious and harassing in nature.

19. Therefore, this defendant prays that this Court may be pleased to dismiss the suit with exemplary cost.

Arguments Advanced:

20. The learned counsel for the Petitioner argued that the Petitioner has relied on the documents filed along with the plaint showing clear title and possession. It was contended that the Respondents did not produce any documentary evidence, having raised only bald oral averments. In civil proceedings, documentary evidence should speak for itself.

21. The learned counsel for the Respondent argued that this is a matter to be adjudged after a full-fledged trial in the main suit. There is a requirement for the appointment of an advocate commissioner. Furthermore, it was submitted that the main suit is ripe for trial. Hence, it was prayed that this petition may be closed and posted for trial in the main suit.

Point for Consideration:

22. Whether this petition is to be allowed or not?

Discussion:

23. Heard both sides. Records perused. On the side of the petitioner, during the enquiry, Exhibits P1 to P4 were marked. On perusal of Ex.P1, it reveals that it is the original sale deed dated 23.09.1986 registered in the name of one Ranganathan. On perusal of Ex.P2, it reveals that it is the original sale deed dated 08.10.2020 executed in the name of the plaintiff by the said Ranganathan. On perusal of Ex.P3, it shows the computerised joint patta no. 1992, where the plaintiff is one of the names mentioned. On perusal of Ex.P4, it shows the computerised joint patta no. 1993, where the plaintiff is one of the names mentioned.

24. The Petitioner has placed reliance on registered documents of title and revenue records (Exhibits P1 to P4) to assert prima facie possession. Exhibit P1, a registered sale deed dated 23.09.1986, establishes the root of title through Ranganathan, while Exhibit P2, another registered sale deed

dated 08.10.2020, indicates the transfer of interest from Ranganathan to the Petitioner. Furthermore, Exhibits P3 and P4, being computerised joint pattas, show the Petitioner's name, which are significant revenue records indicating possession. While the Respondents have raised various contentions disputing the validity of these documents, the extent of the property, previous transactions, and asserting their own long-standing possession coupled with construction and payment of taxes, these are matters that would require detailed evidence and a full-fledged trial to determine conclusively.

25. At this interlocutory stage, the Court primarily examines whether the Petitioner has a prima facie case, the balance of convenience, and the likelihood of irreparable injury. The production of registered sale deeds and pattas by the Petitioner, on the face of it, lends strong support to her claim of legal title and possession. The Respondents' claims, while detailed, are largely unsubstantiated by equally strong documentary evidence at this preliminary stage. Allowing interference with the Petitioner's possession, supported by registered documents, would undoubtedly lead to irreparable injury and multiplicity of proceedings, forcing her to approach police authorities repeatedly, as she has already experienced. Maintaining the status quo by protecting the apparent possession based on the produced documents serves the ends of justice

during the pendency of the suit. Therefore, the triple tests for granting an injunction are met in favour of the Petitioner.

26. The principle laid down by the Hon'ble Supreme Court in *Dalpat Kumar v. Prahlad Singh*, (1992) 1 SCC 719, that the Court should grant injunction when the three essential conditions are satisfied, squarely applies to the present case.

Result:

27. In light of the above discussion, considering the prima facie case established by the Petitioner through registered documents, and given that the balance of convenience lies in her favour to prevent irreparable injury, this Court is of the opinion that the Petitioner is entitled to the temporary injunction as prayed for.
28. Accordingly, the Interlocutory Application, I.A. No. 02 of 2022, is **allowed**.
29. The Respondents/Defendants are hereby restrained by an order of temporary injunction from interfering with the peaceful possession and enjoyment of the petition mentioned property by the Petitioner/Plaintiff until the disposal of the Original Suit O.S. No. 48 of 2022.
30. This order of injunction shall, however, not preclude the Respondents from pursuing any legal remedy available to them for establishing their rights over the suit property in accordance with law.

31. The observations made in this order are only for the purpose of deciding this interlocutory application and shall not influence the trial of the main suit, which shall be decided on its own merits based on the evidence adduced by the parties.

32. There shall be no order as to costs in this application.

Directly typed by me in my official laptop, corrected by me, and pronounced in open court on this day, the 30th of June, 2025.

District Munsif,
Vaniyambadi.

ANNEXURE:

Petitioner side documents: NIL

Petitioner side evidence:

Ex.P1: Original Sale Deed dated 23.09.1986 in favor of Ranganathan

Ex.P2: Original Sale Deed dated 08.10.2020 executed by Ranganathan in favor of the plaintiff

Ex.P3: Computerised Joint Patta No. 1992 showing plaintiff's name

Ex.P4: Computerised Joint Patta No. 1993 showing plaintiff's name

Respondent side evidence: NIL

Respondent side documents: NIL

District Munsif,
Vaniyambadi.