

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI

Presided Over by Thiru. V. ESHWAR, B.E.,L.L.B.,
DISTRICT MUNSIF, VANIYAMBADI

Dated this the 19th day of November, 2025

I.A. No. 2 of 2024
in
O.S. No. 105 of 2024

1. Dharmi chand Surana,
2. Sangeetha

... Petitioners/ Plaintiffs

Vs.

A.M.Selvarajan

... Respondent/Defendant

This petition, filed on 14.10.2024, the matter was taken up for final hearing on 19.11.2025, whereupon this Court heard the submissions advanced by Mr.K.Umar, learned counsel for the Petitioners, and Mr.G.Boopathi, Advocate for the Respondent, and has undertaken a careful perusal of all materials placed on record, doth passes the following

ORDER

1. This application is filed by the Petitioners/Plaintiffs under Order 39 Rules 1 and 2 of the Code of Civil Procedure, praying to grant an order of Temporary Injunction restraining the Respondent, his men, agents, and servants

from interfering with the Petitioners' peaceful possession and enjoyment of the petition mentioned property pending disposal of the suit.

Summary of Petition Averments:

2. The affidavit accompanying the petition avers that the 1st Petitioner and the 2nd Petitioner are husband and wife. It is stated that their son, D. Kushal Chand Surana, purchased the petition mentioned property from the Respondent on 12.09.2019 for valid consideration through a Sale Deed registered as Doc. No. 5771/2019 at the Sub-Registrar's Office, Vaniyambadi. It is further averred that the Respondent handed over the original parent deeds standing in his name to the purchaser, and the Patta was subsequently transferred. The Petitioners submit that their son died in an accident on 17.06.2020, leaving the Petitioners as his only legal heirs. Consequently, the Revenue Records were mutated in their names, and they claim to be in peaceful possession and enjoyment of the property.

3. It is the specific grievance of the Petitioners that the Respondent, having no right or interest over the property, has been causing disturbance to their possession. It is alleged that on 15.09.2024 and 29.09.2024, the Respondent visited the property with his men, quarrelled with the Petitioners, and threatened dispossession. Despite advice from neighbors, the Respondent

allegedly returned on 06.10.2024 with four individuals and threatened the Petitioners to vacate the property before 30.10.2024, failing which they would be forcibly removed. Apprehending danger and irreparable loss, the Petitioners have filed this application asserting a prima facie case and balance of convenience in their favor.

Summary of Counter Averments (Memo was filed treating the written statement as counter in this petition)

4. The Respondent filed a counter statement (treating the written statement as counter) vehemently denying the allegations. The Respondent contends that the suit is false and fraudulent. While admitting that the Petitioners are the legal heirs of the deceased D. Kushal Chand Surana, the Respondent categorically denies the execution of the Sale Deed dated 12.09.2019. It is the Respondent's specific case that he never intended to sell the property. He avers that he approached the deceased D. Kushal Chand Surana, who was running a jewelry and money lending business, for a loan of Rs. 1,50,000/- for family necessity and agricultural improvement.

5. The Respondent alleges that he agreed to pay interest at Rs. 2.50 per Rs. 100/- and was asked to execute a Mortgage Deed as security. He claims that placing trust in the deceased, he handed over the parent documents and signed

the deed on 12.09.2019 without it being read over to him, believing it to be a Mortgage Deed, not a Sale Deed. The Respondent further avers that he had paid interest regularly and repaid a principal amount of Rs. 1,00,000/- in April 2020. It is alleged that in September 2024, the Petitioners received the balance Rs. 50,000/- agreeing to cancel the "mortgage," but instead, they obtained revenue records from the V.A.O. under the pretext of cancellation and subsequently filed this false suit. The Respondent contends that he retains possession and points out that if the Sale Deed were genuine, it would have mentioned the coconut trees existing on the land, which it fails to do.

EVIDENCE AND ARGUMENTS

6. To substantiate their claim, the Petitioners marked Exhibits P1 to P8. Ex.P1 and Ex.P2 are the Original Deeds dated 04.06.2004 and 29.12.2005 standing in the name of the Defendant (handed over to Petitioners). Ex.P3 is the impugned Sale Deed dated 12.09.2019. Ex.P4 to Ex.P7 are Computerized Pattas showing the mutation of names in favor of the deceased son and subsequently the Petitioners. Ex.P8 is the Kisan Credit Card of the 1st Plaintiff. No documents were marked on the side of the Respondent.

7. The learned counsel for the Petitioners argued that the registered Sale Deed (Ex.P3) confers absolute title and that the presumption of validity under

law supports their case. It was emphasized that the mutation of revenue records (Patta) in favor of the Petitioners serves as prima facie proof of possession. The counsel submitted that the Respondent has not produced a single scrap of paper to prove his alleged possession or the alleged loan transaction.

8. Per contra, the learned counsel for the Respondent argued that the document is a sham and nominal one, intended only as security for a loan. It was strenuously argued that the physical features of the property, specifically the existence of a well and 85 coconut trees, were not mentioned in the Sale Deed, which indicates that the transaction was not an outright sale. The counsel contended that the Respondent remains in actual physical possession and that the Petitioners obtained the Patta by suppression of facts.

POINT FOR DETERMINATION

9. The point that arises for determination in this application is: Whether the Petitioners have made out a prima facie case and whether the balance of convenience lies in their favor to grant an order of temporary injunction as prayed for?

DISCUSSION AND REASONS

10. This Court has carefully considered the rival submissions and the materials on record. It is a settled principle of law that to secure an order of temporary injunction under Order 39 Rules 1 and 2 of the CPC, the applicant must establish three ingredients: (i) a prima facie case, (ii) balance of convenience, and (iii) irreparable injury. The burden lies on the Petitioners to prove their lawful possession as on the date of the suit.

11. In the case at hand, the Petitioners rely upon Ex.P3, a registered Sale Deed dated 12.09.2019. Under Section 92 of the Indian Evidence Act, when the terms of a contract are reduced to the form of a document, no evidence of any oral agreement or statement shall be admitted for the purpose of contradicting, varying, adding to, or subtracting from its terms, subject to certain provisos. While the Respondent claims the transaction was a mortgage and pleads fraud, such a defense requires distinct proof during the course of the trial. At this interlocutory stage, the Court is bound to look at the registered document which ostensibly conveys title to the Petitioners' predecessor. The recitals of Ex.P3 are presumed to be correct until proven otherwise.

12. Regarding possession, the Petitioners have produced Exhibits P4, P5, P6, and P7, which are Computerized Pattas. The Patta is a revenue record that

serves as evidence of possession for the purpose of paying land revenue. The transfer of Patta from the Respondent to the deceased son, and subsequently to the Petitioners, indicates that the Revenue Authorities have recognized the possession of the Petitioners. Furthermore, Ex.P8, the Kisan Credit Card, supports the contention that the Petitioners are engaging in agricultural activities on the land.

13. The Respondent's main contention rests on the plea that the document was a "Nominal Sale" or a "Mortgage by Conditional Sale" and that the omission of 85 coconut trees in the schedule proves he is in possession. However, the Respondent has not produced any documentary evidence, such as an Adangal extract, tax receipts, or electricity bills in his name subsequent to 2019, to substantiate his claim of continued possession or the existence of the trees as claimed. A mere oral assertion in the counter statement, claiming fraud and retention of possession, without a scintilla of documentary proof, cannot outweigh the evidentiary value of a registered Sale Deed and Revenue Records at this preliminary stage.

14. The balance of convenience clearly lies in favor of the Petitioners, who hold the registered title and the revenue records. If the injunction is refused, and if the Respondent acts upon his threats as alleged in the affidavit,

the Petitioners, being the documentary owners, would suffer irreparable loss and injury which cannot be compensated in terms of money. The Respondent is at liberty to establish his defense regarding the nature of the document during the full trial, but he cannot be permitted to interfere with the possession of the Petitioners which is supported by registered instruments and revenue records.

15. Therefore, considering the Registered Sale Deed (Ex.P3) and the Revenue Records (Ex.P4 to Ex.P7), this Court finds that the Petitioners have successfully established a prima facie case and lawful possession over the suit property.

RESULT

16. In the result, this Interlocutory Application is **allowed**. An order of Temporary Injunction is granted restraining the Respondent, his men, agents, and servants from interfering with the Petitioners' peaceful possession and enjoyment of the petition mentioned property till the disposal of the main suit. No order as to any costs.

Typed directly on my official laptop, corrected by me, and pronounced in open court, this the 19th day of November, 2025.

**DISTRICT MUNSIF,
VANIYAMBADI.**

ANNEXURE:**Petitioner's side Witness:** Nil**Petitioner's side Documents:**

Exhibit	Date	Description
Ex.P1	04.06.2004	original Deed standing in the name of Defendant
Ex.P2	29.12.2005	Original Deed standing in the name of Defendant
Ex.P3	12.09.2019	Original Deed standing in the name of the D.Kushal Chand Surana
Ex.P4	12.10.2024	Computerized patta joint standing in the name of Plaintiff
Ex.P5	25.03.2021	Computerized patta joint standing in the name of Kushal Chand Surana
Ex.P6	25.03.2021	Computerized patta joint standing in the name of Kushal Chand Surana
Ex.P7	12.10.2024	Joint Computerized patta standing in the name of plaintiff
Ex.P8	16.10.2023	Kisan Credit Card of the 1 st Plaintiff

Respondent's side evidence: Nil**Respondent's side documents:** Nil

**DISTRICT MUNSIF,
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