

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI

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

Friday, the 03rd day of June, 2026

I.A. No. 01 of 2025
in
O.S. No. 122 of 2025

1. Arumugam
2. Illango
3. Manikandan

.....Petitioners

Vs

1. Devan
2. Banumathi

.....Respondents

This application coming on 03.06.2026 for final hearing before me, in the presence of Thiru. **M.Siva** Advocate for the Petitioners, **V.V.Shivaji** for the Respondents R1, R2 and having perused the petition, Counter herein, and having heard the arguments on both sides, this Court delivers the following:

ORDER

(Petition filed U/O.39 R1 and 2 r/w 151 CPC)

I. CASE OVERVIEW

1. This interlocutory application is filed under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908. The petitioners

pray for an order of ad-interim temporary injunction restraining the respondents, their men, and agents from in any manner trespassing into the petition schedule property or causing any peaceful interference or obstruction to the petitioners' possession and enjoyment of the same until the final disposal of the main suit.

II. GIST OF THE PETITIONER'S AVERMENTS

2. The case of the first petitioner, as set forth in the affidavit, is that the petition schedule properties originally belonged to his father, Natesa Mudaliar, who was in absolute possession and enjoyment of the same. The said Natesa Mudaliar passed away in the year 1995. Following his demise, his legal heirs, namely his wife Laxmiammal, and his children Vasantha, Damodaran, Mallika, and Arumugam (the first petitioner herein), succeeded to the properties and jointly enjoyed them. Subsequently, the mother, Laxmiammal, passed away on August 8, 2010.

3. It is further averred that after the demise of the parents, the surviving legal heirs of Natesa Mudaliar entered into a registered partition deed dated June 24, 2021, registered as Document No. 6076/2021 at the Tirupattur Sub-Registrar Office. Through this partition deed, the properties were divided, and each sharer took absolute possession of their respective allotted portions. While the parties were enjoying their respective shares, Damodaran (brother of the first petitioner and father of petitioners 2 and 3) passed away on September 7, 2023.

Consequent upon his demise, his sons, who are petitioners 2 and 3, succeeded to the "B" schedule property of the said partition deed and have been in continuous possession and enjoyment, carrying out agricultural activities.

4. The petitioners claim that there are ten coconut trees on the property, which were planted by Natesa Mudaliar around thirty years ago and are currently yielding. The respondents, whose lands lie to the east of the petition property, have no right, title, or interest over the suit property. However, taking advantage of the physical proximity of their land, the respondents allegedly attempted to encroach upon an extent of about 2 cents of the petition property on June 15, 2025. They also attempted to cut coconut fronds and harvest coconuts illegally. This attempt was temporarily thwarted by the petitioners with the assistance of local villagers. Since the respondents are influential persons backed by local elements and have threatened to trespass with a larger force, the petitioners have filed this application seeking temporary protection for their settled possession.

III. GIST OF THE RESPONDENTS' COUNTER AVERMENTS

5. The second respondent filed a counter statement, which was adopted by the first respondent, vehemently denying all the material allegations contained in the petition. It is contended that the suit itself is a speculative, fraudulent, and legally unsustainable action. The respondents deny that the suit property ever

belonged to Natesa Mudaliar or that his legal heirs were ever in possession of the same. The respondents challenge the partition deed dated June 24, 2021, labeling it as a self-serving, fabricated document created for the purpose of setting up a false claim over the respondents' land.

6. The respondents further state that the description of the property, including the survey numbers, boundaries, and extents given in the plaint schedule, is completely inaccurate. The claim regarding the existence of ten coconut trees aged thirty years on the petitioners' land is denied as a total fabrication. According to the respondents, no such trees exist on the land claimed by the petitioners. On the contrary, the second respondent, Bhanumathi, purchased the adjacent lands in Survey Nos. 371/2C2, 371/2C4, and 371/2D2 through a registered sale deed dated April 23, 1992. Since the date of purchase, she has been in exclusive possession, and the revenue records, including patta, stand in her name.

7. The respondents point out a distinct topographical feature: the land claimed by the petitioners sits at a higher level, about two feet above the respondents' land, which is situated at a lower level. Well-defined boundary stones and ridges have historically separated these properties. The respondents have raised around 240 coconut trees on their lower-level land and are maintaining them. The respondents contend that the petitioners have deliberately

misstated the eastern boundary by naming "Devan Mudaliar" instead of identifying the land as belonging to the second respondent, Bhanumathi. It is argued that because the petitioners own distinct parcels under the alleged partition, a joint application for two different items of property is not maintainable. The respondents conclude that since the petitioners have failed to produce any valid revenue records to show current possession, the application lacks a prima facie case and should be dismissed with exemplary costs.

IV. EVIDENCE ADDUCED AND ARGUMENTS ADVANCED

8. During the enquiry into this interlocutory application, the petitioners marked Exhibits P-1 to P-4. No oral evidence was adduced by either side, and no documentary evidence was filed on behalf of the respondents.

9. The learned counsel for the petitioners argued that Exhibit P-1, the registered partition deed of the year 2021, clearly establishes the source of title and the division of properties among the family members of Natesa Mudaliar. The death certificate of Damodaran (Ex. P-2) and the computerized chitta land records marked as Exhibit P-3 and Exhibit P-4 stand as unimpeachable proof of current possession in the names of the respective petitioners. It was submitted that the petitioners have established a clear prima facie case, and the balance of convenience lies entirely in their favor, as an encroachment would cause irreparable injury.

10. Conversely, the learned counsel for the respondents contended that the revenue documents produced by the petitioners are mere computer printouts that do not identify the exact boundaries on the ground. It was urged that the petitioners are attempting to use the cover of an injunction order to alter the existing boundaries and encroach upon the lower-level land belonging to the second respondent, which has been under her active cultivation since 1992. The respondents counsel forcefully argued that in the absence of a relief of declaration of title and a physical survey, an injunction cannot be granted over a disputed, unidentifiable portion of land.

V. POINTS FOR DETERMINATION

11. Upon considering the pleadings, arguments, and materials placed on record, the following points arise for determination in this application:

- 1) Whether the petitioners have established a prima facie case regarding their exclusive possession and enjoyment of the petition schedule property as on the date of the suit?
- 2) Whether the balance of convenience lies in favor of the petitioners?
- 3) Whether the petitioners will suffer irreparable loss and injury if the interim injunction is denied?

VI. DISCUSSION AND REASONS FOR DECISION

Point No. 1:

12. To grant an order of temporary injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, it is a prerequisite that the party approaching the Court must demonstrate a prima facie case in their favor. A prima facie case does not mean a full-fledged proof of title that is expected at the final conclusion of the trial; rather, it signifies that the applicant has raised a bona fide triable issue and has placed materials before the Court which, at first glance, show that their claim is well-founded and that they are in lawful possession of the property.

13. In this case, the petitioners trace their right to the property through their ancestor, Natesa Mudaliar. While the respondents have made a wholesale denial of the petitioners' right, asserting that Natesa Mudaliar never owned the property, the petitioners have placed on record Exhibit P-1, which is the original registered partition deed dated June 24, 2021. This document came into existence long before the present dispute arose in June 2025. It shows that the legal heirs of Natesa Mudaliar dealt with the property as their ancestral estate and partitioned it among themselves.

14. The respondents argue that Ex. P-1 is a self-serving document. However, a registered deed of partition carries a legal presumption of validity, unless it is disproved by cogent evidence. The respondents have not produced any document to show that they have a right over the specific survey numbers mentioned in the petition schedule which cannot be adjudicated at this interlocutory stage. While the second respondent claims to have purchased lands in Survey Nos. 371/2C2, 371/2C4, and 371/2D2 via a sale deed dated April 23, 1992, she has chosen not to produce that sale deed or any patta under her name before this Court during the enquiry. This Court cannot act upon mere pleadings in a counter statement when they are completely unsupported by documentary evidence.

15. To substantiate their current, active possession, the petitioners have produced Exhibit P-3 and Exhibit P-4, which are computerized chitta extracts. Exhibit P-4 stands in the name of the first petitioner, Arumugam, and Exhibit P-3 stands in the names of petitioners 2 and 3, who are the legal heirs of the deceased Damodaran (whose death is evidenced by Ex. P-2). These revenue documents correspond directly with the survey numbers and shares mentioned in the partition deed (Ex. P-1). Therefore, a combined reading of Ex. P-1, Ex. P-3, and Ex. P-4 prima facie shows that the petitioners are in lawful, settled possession of the petition schedule properties.

16. The respondents have raised an objection that the petitioners are seeking relief for two distinct parcels of land in a single application, which they claim is legally impermissible. This Court cannot accept this objection. Order I Rule 1 of the Code of Civil Procedure allows multiple plaintiffs to join in one suit where any right to relief arises out of the same act or transaction, or series of acts or transactions, and if common questions of law or fact would arise. The alleged attempt at trespass by the respondents occurred on the very same day, June 15, 2025, and targets the contiguous block of land held by the family members. Therefore, the unity of the cause of action justifies a joint application, and there is no misjoinder that goes to the root of the matter.

17. The respondents have also stated that the boundary description on the east is incorrect and that the topography reveals a two-foot level difference, with their land sitting at a lower level and hosting 240 coconut trees. They contend that the petitioners are trying to grab 2 cents of their lower-level land. In an application for an interim injunction, the Court must look at the overall weight of the documentary evidence to determine who is in possession of the suit property. The petitioners have backed up their claims with registered title deeds and current revenue entries. The respondents, on the other hand, have not produced a single scrap of paper to show where their land lies or that it overlaps with the petition schedule. The simple statement that their land sits lower does

not displace the statutory presumption of possession that flows from the petitioners' chitta extracts. Thus, the petitioners have successfully established a clear prima facie case of possession over the petition schedule property.

Point Nos. 2 and 3:

18. Having found a prima facie case in favor of the petitioners, we must now examine the balance of convenience and the likelihood of irreparable injury. The balance of convenience naturally tilts in favor of protecting a party who has shown a lawful basis for possession through registered instruments and government revenue records, as against a neighboring owner who holds back their own title documents from the scrutiny of the Court. If the respondents are permitted to alter the existing boundaries or interfere with the peaceful agricultural operations of the petitioners before the rights are finally adjudicated at trial, it would cause irreversible confusion and disruption on the ground.

19. The petitioners have alleged a specific date of interference, June 15, 2025, noting that the respondents attempted to cut coconut fronds and harvest produce from the trees on the land. If an intermediate neighbor is not restrained from entering another's settled property under the guise of a boundary dispute, it can lead to breaches of peace and physical changes to the property that cannot be easily undone or compensated by money. Such an injury is, by definition, irreparable. Therefore, the balance of convenience lies firmly in favor of

maintaining the status quo, and the petitioners will undoubtedly suffer irreparable injury if they are left unprotected. Consequently, these points are answered in favor of the petitioners.

20. In the light of the discussions held under Point Nos. 1 to 3, this Court is of the considered view that the petitioners have established a clear prima facie case through registered title deeds and corresponding revenue records (Ex. P1 to P4). While the respondents contend a boundary overlap, they have failed to produce any documentary evidence to substantiate their claim of ownership over the disputed 2 cents or to disprove the petitioners' settled possession.

21. The balance of convenience rests with the petitioners, who are currently cultivating the land. Permitting any interference at this stage would result in a change of the status quo and cause irreparable injury to the petitioners that cannot be compensated in monetary terms. However, to ensure justice for both sides and to address the respondents' concern regarding the boundary overlap, the injunction shall be limited to the peaceful possession and enjoyment of the property as described in the petition schedule, without prejudice to the right of either party to seek a formal survey through a court-appointed commissioner during the trial.

VII. RESULT

22. In the result, this petition is **allowed**. An order of temporary injunction is hereby granted restraining the respondents, their men, and agents from trespassing into the petition schedule property or in any manner interfering with the petitioners' peaceful possession and enjoyment of the same until the final disposal of the main suit.

23. Considering the relationship between the parties and the nature of the dispute, there is no order as to costs.

Directly typed by me in my official laptop, corrected and then Pronounced by me in open Court, this the 03rd day of June, 2026.

**DISTRICT MUNSIF,
VANIYAMBADI.**

APPENDIX

Petitioner's Side Witnesses: NIL

Documents Marked On behalf of the Petitioner:

Exhibit	Date	Description of the Document
Ex. P-1	24.06.2021	Original Registered Partition Deed executed among the legal heirs of Natesa Mudaliar (Doc. No. 6076/2021).
Ex. P-2	07.09.202	Certified copy of the Death Certificate of

	3	Damodaran.
Ex. P-3	—	Computerized Chitta extract standing in the names of Petitioners 2 and 3 (successors of Damodaran).
Ex. P-4	—	Computerized Chitta extract standing in the name of the 1st Petitioner (Arumugam).

Respondent's Side Witnesses: NIL

**DISTRICT MUNSIF,
VANIYAMBADI.**