

IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,
VELLORE DISTRICT.

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons).,LLM.,**
District Munsif,
Gudiyattam.

Tuesday, this the 06th day of January 2026

I.A.01/2021
in
O.S.No. 87/2021

C.B.Chandranarayanan

.... Petitioner/ Plaintiff

// Versus //

1. C.B.Sankaranarayanan

2. Assistant Engineer (O&M)

TANGEDCO, (TNEB)

Gudiyattam Urban-I

.... Respondents/ Defendants

This petition came up on 02.12.2025 before me for final hearing in the presence of Thiru.S.Gunasekaran, Advocate for the Petitioner and Thiru.A.L.Sureshbabu, Advocate for the 1st respondent and Thiru.K.M.Boopathi, Advocate for the 2nd respondent and upon perusing the case records and having stood over for consideration till this day this court delivered the following.

Order

Petition filed under Order 39, Rule 1 & 2 and Section 151 of Code of Civil Procedure to grant an order of temporary injunction restraining the 2nd respondent his subordinates, his superiors, his agents, from disconnecting the service connection numbers 461-101-1879 and 461-101-1880 of Gudiyattam Urban-I situated in the suit property based on the

request if any made by the 1st respondent /1st defendant to disconnect the said service connections till the disposal of this suit and also grant an order of ad-interim injunction on the same lines till the disposal of this petition and pass such other orders.

1. The averments of the petitioner in the application:-

The petitioner submit that the above suit is filed by him for an injunction. The petitioner was in possession and enjoyment of the suit service connection Nos. 461-101-1879 and 461-101-1880 situated in the suit property. Originally the suit connections were got in petitioner name and in the name of his brother C.B.Suryanarayanan as they have purchased the suit property as a vacant site on 13.01.1999 and constructed building and got electric service connections and started business in the year 2005 itself and enjoying the said electric service connections and paying the consumption charges regularly. The 1st defendant is petitioner elder brother. This being so, from the year 2007 onwards the petitioner running the electrical shop in the name and style as “CAB Electricals” and doing business without any interruption till date. On 16.06.2005 the petitioner and his brother executed a Power of attorney in favour of 1st defendant pertaining to the suit property and based on it the petitioner sold to one manimozhiarasan on 17.06.2010 as vacant site with a view to deceive us. Subsequently, the 1st defendant again has purchased it from him under a sale deed dated 25.10.2013 and it was known to us at a later stage. Even though the sale deed stands in the name of the 1st defendant and service connections till date and paying the current consumption charges regularly. This being so, on 16.04.2021 the petitioner came to know that the 1st defendant is making arrangements to disconnect the service connections

Nos. 461-101-1879 and 461-101-1880 by requesting the 2nd respondent to disconnect the said service connections, since the same stands in his name. Hence the petitioner gave a petition to the 2nd respondent requesting him not to disconnect the said electric service connections as the petitioner enjoying the same from the date of effecting of said service connections by doing business in the suit property as the petitioner have invested hue amount in the said business and if the 1st respondent succeed in is attempt in disconnecting the service connections with the help of the 2nd defendant, the petitioner could not be able to do business and it will lead to causing heavy loss to him. The loss going to be suffered by the petitioner will not be compensated by money value. The petitioner gave a petition on 17.04.2021 requesting him no to disconnect the suit service connections explaining the said facts and the 2nd respondent received the same and has not chosen the reply properly. Hence the petitioner coming forward with this petition for grant of an order of injunction from restraining the 2nd respondent from disconnecting the suit service connections based on any request if any made by the 1st respondent.

2. Brief averments of the counter filed by the 1st respondent:-

This respondent submits that originally the suit service connections No.461-101-1879 and 461-101-1880 are stands in the name of this respondent. This respondent has not approached the 2nd respondent to disconnect the service connection and he has not given any petition for the same much less as stated in the plaint. The petitioner has not approached the 2nd respondent and he has not given any petition regarding service connection much less as stated in the plaint. Further the petitioner filed the present suit only with an intention to harass this respondent and created

litigations by litigations in order to grab the suit property. The present suit as such filed by the petitioner only on the basis assumption and presumption and the same was clearly revealed in the plaint itself. The respondent further submits that originally the petitioners brother C.B.Suryanarayanan has already filed a suit for declaration and injunction against the present petitioner C.B.Chandranarayanan and this respondent before this Hon'ble court vide OS.No.150/2018 and the same is pending before this Hon'ble court till date. In the said suit itself, the petitioner's brother C.B.Chandranarayanan has filed an application to implead the 2nd respondent as party to the suit vide I.A.No.336/2019 and this respondent also filed suitable counter and subsequently the said application was dismissed on merits. Now once again the present petitioner has filed the above suit suit as against the respondent by suppressing the earlier case proceedings without any cause of action with false and baseless allegations.

3. Brief averment of the counter filed by the 2nd respondent:-

This respondent submits that originally the suit service connections No.461-101-1879 and 461-101-1880 are stands in the name of the 1st respondent. The 1st respondent has not approached this respondent to disconnect the service connection and he has not given any petition for the same much less as stated in the plaint. The petitioner has not approached this respondent and he has not given any petition regarding service connection much less as stated in the plaint. The respondent further submits that there was a family disputes between the petitioner and the 1st respondent and their brother Suryanarayanan regarding the properties and due to their family quarrels filed the present suit without any allegations and cause of action as against this respondent.

4. Petitioner side enquiry heard. Respondents failed to submit their side enquiry.

5. Point for consideration:-

Whether this application are liable to be allowed ?

6. Evidence:-

No evidence produced by both sides.

7. Discussion:-

On considering the submissions made by the petitioner counsel and perusing the available records this court delineate and proceeds its findings based on the following discussion.

7.1. The petitioner filed the suit against the respondents for permanent injunction restraining the 2nd respondent from disconnecting the service connections. The case of the petitioner is that the suit connections got by the petitioner and his brother C.B.Suriya Narayanan for a vacant site. The 1st respondent is the elder brother of petitioner. On 16.06.2005 the petitioner and his brother executed power of attorney infavour of 1st respondent subsequently he sold the property to one Manimozhi Arasan on 17.06.2010. Subsequently 1st respondent purchase the same. The petitioner is running electrical shop in the suit property and enjoying the service connection by paying current charges. While the petitioner came to know that 1st respondent making arrangement to disconnect the service hence he filed the suit and the present petition.

7.2. Per contra the respondents filed counter and specifically objected that the petitioner elder brother C.B.Suriya Narayanan already

filed suit for declaration and injunction against the petitioner in OS.150/2018 in that suit the petitioner filed IA.No.336/2019 to implead the 2nd respondent as a party to the suit. But the said IA was dismissed by the Hon'ble court hence the petitioner filed this suit against the 2nd respondent and others without any cause of action. On perusing the plaint the petitioner prayed for permanent injunction to restraining the 2nd defendant from disconnecting the service and in the present petition also the same relief of injunction is prayed by the petitioner to restraining the 2nd respondent from disconnecting the service. It is settled principle of law that main relief cannot be granted by way of interim relief.

7.3. It is further submit that as per the objections filed by the respondents already there is a title dispute between the petitioner and his brothers are pending hence the petitioner as to show cause sufficient reasons for allowing this petition. At the time of argument the petitioner counsel highlighted judgment passed in WP(MD).No.8024 to 8029 of 2009. On perusing the judgment the facts of that case is irrelevant to the present case. Regarding the relief of temporary injunction our Hon'ble High Court in **Ms. Archana Bansal vs. NEPC India Limited and Another, (2007) 6 MLJ 648**, has held that,

"12. Grant or refusal of temporary injunction is subject to the following principles:

- (a) Prima facie case of plaintiffs legal right*
- (b) Balance of convenience in his favour*
- (c) Whether he would suffer irreparable injury if injunction is not granted.*

These conditions have to be satisfied and proof of any of them is not by itself sufficient to obtain a temporary injunction. Prima facie case means that there exists a strong probability that the petitioner has an ultimate chance of success in the Suit. Balance of convenience is the principle by which the Court weighs and balance the mischief or inconvenience to either side. Irreparable injury means a substantial injury which cannot be adequately compensated for in damages.."

Thus as directed by our Hon'ble High Court, to obtain the relief of temporary injunction, the petitioner must prove all the above mentioned principles, that he has prima facie case, balance of inconvenience and not granting temporary injunction would result him irreparable loss and injury.

7.4. Further it is the duty of the plaintiff to prove the balance of inconvenience. Thus, applying the above dictum in the case on hand and from the foregoing discussions, it can be seen that the petitioners had not established balance of inconvenience and irreparable loss. The petitioner cannot claim main relief as interim relief in a suit. It is further submit that this court already framed necessary issues and this suit riped for trial. Hence, injunction would not be granted.

8. Result:-

As a result this petition is dismissed without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 06th day of January 2026.

**District Munsif,
Gudiyattam.**

Petitioners side Witnesses and Exhibits:- Nil

Respondents side Witnesses and Exhibits :- Nil

**District Munsif,
Gudiyattam.**