

IN THE COURT OF THE I ADDITIONAL SUBORDINATE JUDGE,
VILLUPURAM.

PRESENT : Thiru.S.Muthu Murugan, B.A., B.L., LL.M.,
I Additional Subordinate Judge, Villupuram.

Friday the 24th day of July 2026

IA.No.163/2024

in

OS.No.1326/2024

(CNR.NO.TNVP02-004125-2024)

Mani

..... Petitioner/Plaintiff

//Vs//

Sumithra

..... Respondent/Defendant

This petition is filed on 20.11.2024 and taken on file and came up for final hearing on 14.07.2026, in the presence of Thiru.R.Muthukumarappan, counsel for the petitioner and Thiru.K.Agoram, counsel for the respondent and upon perusal of entire case records and upon hearing both sides and having stood over for consideration till this day, this court delivered the following...

ORDER

This Petition filed Under Order 39 Rule 1 and 2 of CPC praying to pass an order granting temporary injunction restraining the respondents, their men and agents or servants from interfering with petitioner's peaceful possession and enjoyment over the suit schedule of properties till the disposal of the above suit.

2) Brief averments of the affidavit and petition is as follows :-

The petitioner/plaintiff submits that the suit properties originally purchased by one Ranganatha gounder sons Mannangatti and Palani in the extent of 1 acre 48 cents. Later they have partitioned that property orally thereby Mannangatti got 74 cents after his demise his son Sakthi got that portion and enjoying it. The another one portion of 74 cents including one open well and motor pump set with electric connection belonged to Palani gounder and after his enjoyment he sold it to petitioner/plaintiff on 12.07.2024. The respondent / defendant is daughter of one Venkatesa gounder, she opposed the purchase of the plaintiff and attempt to disturb his possession and enjoyment in the suit properties. On 06.11.2024, the defendant and her brother Suman were ploughed in that land so, he lodged a police complaint against them and the police advised him to approach the Civil Court. Therefore he filed this suit for declaration and permanent injunction in which filed this application for temporary injunction till the disposal of the suit.

3) Brief averments of the counter filed by respondent is as follows :-

The defendant has not filed separate counter, but by the way of memo requested this Court to adopt the written statement as counter in which she stated that the averment with respect to the property purchased by the Mannangatti and Palani is correct but she denied the purchase of the plaintiff on 12.07.2024 and subsequent enjoyment by the plaintiff in that property as the properties still in joint possession and enjoyment of Mannangatti legal heirs and Palani without any partition. So, Palani had no right over the property for exclusive sale and the sale deed is void one. Already the legal heirs of Mannangatti filed a suit for permanent injunction to declare the document of the plaintiff as null and void before the District Munsif Court, Vikravandi in OS.17/2025. The defendant is the daughter in law of Palani, after her

marriage she is living with her husband in the house situated within the suit property. Hence there is no cause of action for this suit, therefore she prayed to dismiss the same.

4. Point for consideration :-

The sole point to be decided in this application is whether this application to be allowed or not ?

5. Point :-

5.1 On going through the petition and the written statement with the available documents filed along with the plaint, it is seen that the suit properties originally purchased by one Mannangatti and Palani jointly on 29.07.1985. The plaintiff alleged that Mannakatti and Palani divided the property equally between them in an oral partition, thereby Mannangatti entitled for 74 cents and Palani entitled for 74 cents. After that Mannangatti was died and his portion acquired by his son Sakthi and being in his possession and enjoyment. Palani sold his 74 cents to the plaintiff on 12.07.2024 ever since that purchase the plaintiff is enjoying that property. Further the plaintiff alleged that defendant is the daughter in law of Mannagatti she and her family members attempt to disturb his peaceful possession and enjoyment in the suit property.

5.2 The sale deed produced along with the plaint, it would show that Palani sold his half share in the suit property for valid consideration. But the recitals would show that the portion sold by Palani clearly stated as undivided half share, as such as of now there is no division and separate enjoyment by the parties, so it is very much necessary for them to divide the property amicably but unfortunately none of the

parties filed any suit for partition the defendant filed bare injunction suit along with the relief to declare the sale deed as null and void and the plaintiff filed the suit only for declaration and permanent injunction but the patta stands jointly with Mannangatti and plaintiff Mani. Therefore this Court is of the view that the defendant is also a co-sharer wife against whom temporary injunction cannot be granted till it is finally decided that already oral partition was effected. Therefore this plaintiff although having prima facie case, there is no balance of convenience to him as such the petition deserves for dismissal.

In the result, this application be and the same is hereby dismissed. However, there is no order as to costs.

Dictated by me to the stenographer, she directly typed it in the computer, and after corrections, pronounced by me in the open Court, on this the 24th day of July 2026.

I Additional Subordinate Judge,
Villupuram.

Annexure :-

List of Petitioner side Witness & Exhibits :-

(Nil)

List of Respondent side Witness and Exhibit :-

(Nil)

I Additional Subordinate Judge,
Villupuram.