

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
ARUPPUKOTTAI `**

Present : **Thiru. M. VASANTHA KUMAR, M.L.,**
Additional District Judge, Aruppukottai.

Monday, the 13th day of July, 2026

I.A. No. 01/2025 in O.S. No. 85/2025

1. Aruppukottai Nadargal Uravinmurai
Pothu Abiviruthi Trust,
Registration No. 171/1999
through its Secretary.

2. Aruppukottai Nadargal Uravinmurai
Pothu Abiviruthi Trust,
Registration No. 171/1999
through its President ... Petitioners/Plaintiffs.

//Vs//

1. S. Mareeswari.
2. A. Selvaperumal.
3. P.G. Ganesh.
4. P. Gandhimani. ... Respondents/defendants.

This petition came up before me today for final hearing in the presence of Thiru. S. Parthasarathi, Learned counsel for the Petitioners and Thiru. M. Subburam, Learned counsel for the 1st and 2nd respondents and Thiru. N. Solairaj, Learned counsel for the 3rd and 4th respondents and upon considering all material records in this case and hearing the arguments of both sides and having stood over till this day for consideration and this court delivered the following

ORDER

This is an application filed by the petitioners/plaintiffs under Order 39 Rule 1 & 2 and Section 151 of C.P.C. seeking a temporary injunction

restraining the respondents/defendants from involving in any unlawful acts that would alter the physical features or nature of the suit property, during the pendency of the suit.

2. The Brief averments of the petition and affidavit is as follows

The Original suit has been filed by the petitioners/plaintiffs for the relief of declaration, possession of the suit property and mesne profits. The plaintiffs' Trust is a registered Trust and it has been functioning for over 100 years. Regarding the suit property a suit in O.S. No. 128/2024 was filed by the 1st and 2nd respondents against the petitioners as well as Respondents 3 and 4 before Principal District Munsif Court, Aruppukottai. The suit property is a rental shop building belonging to the Plaintiff Trust and it is unfit for residential use. The property had been rented to one P. Kannan, who conducted 'Inimai Hotel' there. After his demise, his wife Subasri and daughters Iniya and Ilakkiya continued the tenancy and the hotel business. But due to covid pandemic, the business declined, and the suit property was closed. In this situation one P.M.C. Muthusamy fraudulently claimed to be the Secretary of the Plaintiff trust and colluding with Respondents 3 and 4, he created fraudulent documents and based on the above created documents, Respondents 3 and 4 trespassed upon the suit property in the month of February 2023. Hence the plaintiff trust issue notice to 3rd and 4th respondents on 11.10.2024 calling upon them to attend enquiry. Thereafter on 22.11.2024, the 3rd Respondent appeared in person before the Plaintiff Trust's administration and submitted a written letter stating that they had been deceived into paying Rs. 25,00,000 to an unauthorized group regarding the suit property and agreed to hand over the possession of the suit property. However, contrary to this, the 3rd and 4th Respondents handed over the possession of the suit property to the 1st and 2nd Respondents. Consequently, now the 1st and 2nd Respondents have trespassed in to the suit property and are

in enjoyment without the consent or permission of the Plaintiff Trust and filed a suit in O.S. No. 128/2024 stating that the 3rd and 4th respondents had entered 5 years rental agreement in respect of suit property with the plaintiff trust and they deceiving Respondents 1 and 2 with the promise of transferring the leasehold rights to them by receiving huge amount and handed over the possession of the suit property. The agreement executed by P.M.C. Muthusamy is not valid. He is not elected as Secretary of plaintiff trust. Now the suit property can be rented out for Rs. 20,000/- per month. Since the respondents are in wrongful possession and enjoyment of the suit property, they are liable to pay compensation at the rate of Rs. 20,000/- per month. Further, the respondents are liable to pay such compensation for the period from February 2023 to till the date of handing over the possession of the property to the plaintiff trust. Hence the main suit has been filed for the relief of declaration, possession of the suit property and mesne profits. In the mean time, pending suit, on 30.06.2025, the 1st and respondents are trying to alter the nature and structure of the suit property in unlawful manner. If it is done, it will cause great prejudice and loss to the petitioners trust. Hence this petition has been filed seeking temporary injunction restrain the respondents from not altering the nature and structure of the suit property till the disposal of the suit.

3. The Brief averments of the counter filed by the respondents 1 & 2 is as follows :

3.1 Except the admitted facts all the averments in the petition are denied as false. In fact, the suit property, which was belonged to plaintiff trust, was leased to respondents 3 & 4 for a period of 5 years on 05.02.2023 for a monthly rental amount of Rs. 30,000/-. At that time the 1st and 2nd respondents have been doing business in the name and style of Selvam Bakery at the place, which was belonged to 3rd and 4th respondents, at Aruppukottai Town,

Thiruchuzhi Road, near Anna Statue. When Respondents 3 and 4 approached Respondents 1 and 2 to take the possession of the suit property, Respondents 1 and 2 initially refused, however, Respondents 3 and 4 compelled them to agree. Accordingly, on 08.02.2023, oral agreement was made for the suit property as monthly rent is Rs. 1,80,000 and an advance amount is Rs. 60 lakhs. On that basis on 09.02.2023, Respondents 1 and 2 paid Rs. 23,00,000 as cash to Respondents 3 and 4. The remaining Rs. 37 lakhs was remitted in various installments through the bank account of 2nd respondent and the bank account of his relative to the 1st Petitioner's account. Thereafter, the 1st and 2nd respondents operated the suit property in the name of Inimai Hotel and paid professional tax in the name of the 1st respondent and paid electricity bills in the name of the 2nd respondent through the State Bank of India, Virudhunagar Branch Savings Account No. 32301901994 and Current Account No. 33012440955 and had enjoying the same in a peaceful manner. Further the 2nd respondent paid the monthly rent amount of Rs. 1,80,000/- as cash to the 3rd and 4th respondents directly. After few months the 3rd and 4th defendants demanded additional amount of Rs. 25,00,000/- to continue the shop in the suit property. Hence, the 1st and 2nd respondents gave 30 sovereign of gold jewels belonging to Respondents 1 and 2 to Respondents 3 and 4.

3.2 In the mean time on 15.11.2024, the Plaintiffs compelled the 1st and 2nd respondents to vacate the suit property for the reason that new administrators were elected in the election and old administration and respondents 3 & 4 has mishandled the advance amount paid by the 1st and 2nd respondents and they did not handed over the advance amount to the plaintiffs trust. But, the 3rd and 4th respondents/3rd respondents did not pay any attention and acted in favor of the petitioners/plaintiffs and further they refused to repay the advance amount of Rs. 60,00,000/-. Respondents 1 and 2 have been regularly paying rent for the

suit property to Respondents 3 and 4. As the plaintiffs repeatedly visited the suit property and interfere the enjoyment of the suit property, Respondents 1 and 2 filed O.S. No. 128/2024. Respondents 1 and 2 have stated that they would vacate the suit property if Rs. 60 lakhs and 30 sovereigns of gold jewelry, which they had given to Respondents 3 and 4, were returned to them. With the intention of evicting Respondents 1 and 2 from the suit property, the plaintiffs have lodged various criminal complaints at the police station and filed this suit suppressing the true facts. Furthermore, Respondents 1 and 2 have incurred a loss of Rs. 30 lakhs due to a fire incident at the suit property. In the mean time, Food Safety officers and the Aruppukottai Municipal officials suddenly visited the suit property found that the property had been damaged by fire and there was no sanitation in the food preparation room and not allowed to run the hotel in the suit property and warned the 1st and 2nd respondents that the suit property should be painted and kept clean. Hence, the 1st and 2nd respondents had painting the suit property without making any changes in the suit property and have been running the hotel in a hygienic manner. Hence prays to dismiss the petition. The rent claimed for the suit property is exorbitant. Respondents 1 and 2 are ready to deposit the current rent amount for the suit property before the court, if it is fixed as per law. With the intent to defraud the sum of 60 lakhs and the 30 sovereigns of gold jewelry, which were received from Respondents 1 and 2, this petition and the suit have been filed unlawfully. Hence prays to dismiss the petition.

4. The Brief averments of the counter filed by the respondents 3 & 4 is as follows :

The suit property is in possession and enjoyment of the 1st and 2nd respondents. Hence 3rd and 4th respondents are not going to alter the physical

features of the suit property. So, this petition is not maintainable as against this respondents. Hence prays to dismiss the petition.

5. Point for Determination :

Whether this petition deserves to be allowed or not.

Heard the Counsels for both sides. Records perused. No Oral and Documentary evidence adduced by both sides.

6. This is an application filed by the plaintiffs, who is the Aruppukottai Nadargal Uravinmurai Trust. According to the petitioners/plaintiffs, plaintiff trust is the owner of the land namely the suit schedule property. In which according to the plaintiffs, the plaintiffs trust has originally rented out the suit property to respondents 3 and 4. In turn the 3rd and 4th respondents, without the consent and prior and proper permission, rented out the suit property to Respondents 1,2 /Defendants 1 & 2, thereby, the 3rd and 4th respondents had monetarily benefited. Taking advantage of this, the 1st and 2nd defendants are trying to alter the nature and structure of the suit property. Hence prays to pass an order of temporary injunction till the disposal of the suit.

7. On the other hand, the 1st and 2nd respondents contended that the suit property, which was belonged to plaintiff trust, was leased to respondents 3 & 4 for a period of 5 years on 05.02.2023 for a monthly rental amount of Rs. 30,000/-. At that time the 1st and 2nd respondents have been doing business in the name and style of Selvam Bakery at the place, which was belonged to 3rd and 4th respondents, at Aruppukottai Town, Thiruchuzhi Road, near Anna Statue. On 08.02.2023, an oral agreement was made between respondents 1 & 2 and respondents 3 & 4 in respect of suit property as monthly rent is Rs. 1,80,000 and an advance amount is Rs. 60 lakhs. On that basis on 09.02.2023, Respondents 1 and 2 paid Rs. 23,00,000 as cash to Respondents 3 and 4. The remaining Rs. 37 lakhs was remitted in various installments through the bank

transaction and the 1st and 2nd respondents have taken the possession of the suit property and run a hotel in the name and style of Inimai Hotel and paid professional tax in the name of the 1st respondent and paid electricity bills in the name of the 2nd respondent through bank and had enjoying the same in a peaceful manner. Further the 2nd respondent paid the monthly rent amount of Rs. 1,80,000/- as cash to the 3rd and 4th respondents directly. After few months the 3rd and 4th defendants demanded additional amount of Rs. 25,00,000/- to continue the shop in the suit property and hence, the 1st and 2nd respondents gave 30 sovereign of gold jewels belonging to them to Respondents 3 and 4. Further it is contended that on 15.11.2024, the Plaintiffs compelled the 1st and 2nd respondents to vacate the suit property for the reason that new administrators were elected in the election and old administration and respondents 3 & 4 has mishandled the advance amount paid by the 1st and 2nd respondents and they did not handed over the advance amount to the plaintiffs trust. When the 1st and 2nd respondents approached the 3rd and 4th respondents, they did not mind it and refused to repay the advance amount of Rs. 60,00,000-.

8. Further, it is contended that with the intention of evicting Respondents 1 and 2 from the suit property, the plaintiffs have lodged various criminal complaints at the police station and filed this suit suppressing the true facts. Further it is contended that in the suit property fire accident was held and Respondents 1 and 2 have incurred a loss of Rs. 30 lakhs due to a fire incident at the suit property. Further the Food Safety officers and the Aruppukottai Municipal officials suddenly visited the suit property and found that the property had been damaged by fire and there was no sanitation in the kitchen and not allowed to run the hotel in the suit property and warned the 1st and 2nd respondents that the suit property should be painted and kept clean. Hence, the 1st and 2nd respondents had painting the suit property without making any

changes in the suit property and have been running the hotel in a hygienic manner and hence prays to dismiss the petition.

9. On the side of respondents 3 & 4, it is contended that now the suit property is in possession and enjoyment of the 1st and 2nd respondents and respondents 3 & 4 are not going to alter the physical features of the suit property and hence this petition is not maintainable as against this respondents and prays to dismiss the petition.

10. By considering the rival submissions and by perusing the materials available on record, this court finds that in this case issues were already framed and the suit is ripe for trial. Since the suit is already ripe for trial and the parties are ready to get along with the trial, this court feels that at this juncture if an injunction order is passed by this court, it will cause prejudice to both sides and it should also leads to stagnation in the trial proceedings. Hence this court feels that at this juncture, both parties has to maintain status-quo in the suit property.

11. In the result, this petition is disposed off by directing the petitioners and respondents to maintain status-quo in the suit property till the disposal of the suit. No order as to costs.

Dictated by me to the steno-typist, transcribed and typed by her, corrected and pronounced by me in open court, on this the 13th day of July, 2026.

Additional District Judge
Aruppukottai.

List of Witness and Exhibits on the side of the Petitioners: Nil.

List of Witness and Exhibits on the side of the Respondents: Nil.

Additional District Judge
Aruppukottai.