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CRP No. 1848 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 1848 of 2024 and

CMP.No.9745 of 2024

B.Sabari Alias Sowrimalairaja

..Petitioner(s)

Vs

Sabira Kannam Sahiba

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Judgment and decree dated 18.01.2024 made in CMA No.4 of 2023 by the Learned Subordinate Judge, Ambur, reversing the Judgment and decree dated 11.11.2021 of the District Munsif, Ambur in IA.No.2 of 2021 in OS No.68/2021.

For Petitioner(s): M/s.K.Ashok Kumar

For Respondent(s): M/s.K.A.Ravindran

ORDER

The civil revision petition is filed challenging the order passed by the first appellate court allowing the appeal filed by the respondent challenging the dismissal of the petition for temporary injunction filed by him.



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2. The respondent herein filed a suit seeking bare injunction restraining the petitioner/defendant from interfering with his peaceful possession and enjoyment of the suit property. According to the respondent, the original suit property belongs to one Rathna, W/o.J.Kuppusamy. Having purchased the same under registered sale deed on 27-07-1973, she executed a power of attorney deed on 05-11-2012 in favour of one A. Rathnakumar and A.Rajkumar and appointed them as power agents to sell the property. Pursuant to the above said power conferred on them, the said Rathnakumar and Rajkumar jointly sold a portion of the suit property in favour of one M.Amjad by registered sale deed dated 27-08-2014. The remaining portion of the suit property was sold by them in favour of one P.Govindaraj by registered sale deed dated 06-11-2014. The respondent/plaintiff purchased the suit property from the above said Govindaraj and Amjad under registered sale deeds dated 23-06-2017 and 10-08-2017. From that date onwards, the respondent has been in possession and enjoyment of the suit property. It is further stated by the respondent that revenue records had been mutated in her favour by order passed by Special Tahsildar. It is also stated that house tax, electricity service connection also standing in her name. Since there was an attempt by the petitioner/defendant to interfere with the possession of the respondent, she was constrained to file a suit for bare injunction. Along with the suit, the respondent filed application seeking temporary injunction and the



said application was dismissed by the trial court. Aggrieved by the same, the respondent preferred an appeal in CMA.No.4 of 2023. The said appeal was allowed by the first appellate court. Aggrieved by the said order, the petitioner/defendant has come before this court.

3.The learned counsel for the petitioner vehemently contended that the respondent failed to produce the original documents in her favour and she only produced certified copies and therefore, the first appellate court ought not have granted injunction in her favour. The learned counsel further submitted that the defendant obtained the power deed from the mother of aforesaid Rathna and he has been in possession and enjoyment of the subject property and overlooking the same, the first appellate court granted injunction. The learned counsel further submitted that the first appellate court without recording any findings on *prima facie* case and balance of convenience, simply passed temporary injunction on assumption and presumption and therefore, the same is liable to be set aside.

4. The learned counsel for the respondent, by taking this court to the order passed by the first appellate court, submitted that the first appellate court has discussed the documents filed by the parties and came to the conclusion that the respondent proved her possession over the suit property and therefore, the order passed by the first appellate court need not be interfered with.

5. It is admitted by both the parties that the property originally belongs to one Rathna. The respondent/plaintiff claims right over the property under various



registered documents relied on by her. The certified copies of all registered documents relied on by the plaintiff have been produced along with the plaint.

As per the case of the respondent, the original admitted owner Rathna executed a registered power deed dated 05.11.2012 in favour of A.Rathna Kumar and A. Rajkumar. The copy of the said power deed has been produced as plaint document No. 2. The certified copy of the registered sale deed dated 27.07.1973 in favour of original owner Rathna has been produced as plaint document No. 1. The power agents of Rathna namely A.Rathnakumar and A.Rajkumar sold a portion of the suit property in favour of Amjad by registered sale deed dated 27.08.2014. The certified copy of the said sale deed was produced as plaint document No. 3. The remaining portion of the suit property was sold by the power agents of Rathna in favour of one Govindaraj under sale deed dated 06.11.2014. The certified copy of the said sale deed was produced as plaint document No. 4. The respondent/plaintiff purchased the suit properties under two different sale deeds from Govindaraj and Amjad dated 23.06.2017 and 10.08.2017 respectively. The certified copies of sale deeds in favour of the respondent were produced as plaint document Nos. 5 and 6. The patta transfer order in favour of respondent was produced as plaint document No. 10. The tax assessment order, property tax receipt in the name of respondent were produced as plaint document Nos. 12 and 13. Therefore, a perusal of the various documents produced by the respondent would clearly establish that respondent claims title under original owner Rathna under various registered documents



and revenue documents were also mutated in favour of respondent. The first appellate court, recording the same, came to the conclusion that the respondent established her right as well as the possession over the suit property.

6. The petitioner/defendant claims that son of original owner Rathna, namely Vijaykumar executed a notarised power deed in favour of defendant and hence, he has been in possession and enjoyment of the suit property as a power agent. However, the defendant has not produced any document as to how the said Vijaykumar got the property in his name. The defendant is not claiming any right over the suit property under any registered documents. He has only claimed himself as power agent of son of the original owner Rathna. The defendant only produced notarised power deed. Further, the registered documents relied on by the plaintiff were challenged by the defendant in his written statement by denying execution.

7. A registered sale deed is a *prima facie* proof of title and a person questioning the registered sale deed has to establish the said document was not valid and it will not convey any title to the purchasers under the registered document. Whether the registered documents relied on by the plaintiff were duly executed by their predecessors in title is a question to be decided at the time of final disposal and the same cannot be considered in interlocutory admission stage. The first appellate court, had rightly taken into consideration the certified copies of registered documents relied on by the plaintiff and the revenue documents and came to the conclusion that the respondent/plaintiff



established her *prima facie* right and possession over the suit property and granted temporary injunction. The respondent claims right under registered documents supported by mutation of revenue records in her favour. On the other hand, the petitioner claims right under notarised document and failed to produce any revenue document in his name. Hence, balance of convenience lies in favour of respondent in granting temporary injunction. The conclusion reached by the first appellate court is only a *prima facie* conclusion and the same is subject to the final finding to be rendered after trial.

8. In view of the discussion made earlier, I do not find any error in the impugned order passed by the first appellate court. Accordingly, the civil revision petition stands dismissed. It is made clear that any observation made by this Court in this order and the observation of the first appellate court in CMA.No.4 of 2023, will not affect the rights of the respective parties at the time of final disposal of the suit. No costs. Consequently, the connected miscellaneous petition is closed.

02-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The District Munsif, Ambur.



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S.SOUNTCHAR, J.

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