

IN THE COURT OF THE SUB JUDGE, MUVATTUPUZHA

Present:- Sri. Aravind B. Edayodi, Sub Judge
Friday, the 22nd day of March 2024/02nd Chaithra 1946

I.A. 08/2024 in O.S. 12/2021

Petitioner/Plaintiff:-

Dr. Antony Mathew, aged 73 years, S/o Late Antony Kottakkal, 2B, Swapnil Apartments, K.K. Road, Kochi presently residing at Flat 1 Datchet Meadows, Datchet Road (SL37FR), Slough, Berkshire, United Kingdom, represented by his power of Attorney Holder and Authorised person Mr. Jacob P.J.

By Advs. Lal K Jose, Sabu Antony & P Muraleedharan

Respondents/Proposed Additional Defendants 2 to 5:-

1. Rosamma Cheriyan, Aged 66 years, W/o late K.A Cheriyan, Kottakkal, Kurroor, Kothamangalam, Muvattupuzha, Ernakulam, Pin-686691.
2. Mitty Varghese, Aged 42 years, D/o late K.A Cheriyan Kottakkal, Kurroor, Kothamangalam, Muvattupuzha, Ernakulam, Pin-686691.
3. Aby Lawrence Cheriyan, Aged 44 years, S/o late K.A Cheriyan Kottakkal, Kurroor, Kothamangalam, Muvattupuzha, Ernakulam, Pin-686691.
4. Ritty Cheriyan, Aged 46 years, D/o late K.A Cheriyan Kottakkal, Kurroor, Kothamangalam, Muvattupuzha, Ernakulam, Pin-686691.

No vakalath

This petition is filed under Order XXXIX Rule 1 and 2 and Section 151 of the CPC to pass an order of temporary injunction restraining the respondents and their men and agents from making any demolition work in the building situated in the plaint schedule properties and from encumbering the plaint schedule properties to any third persons by way of mortgage lease, sale and from committing any waste in the plaint schedule properties till the disposal of the suit. The petition coming on for final hearing on 22.03.2024 and the court on the same day passed the following:-

AD-INTERIM ORDER

Heard learned counsel for the petitioner. Perused records. Death of original defendant is reported and petitioner is seeking order against the legal heirs of original defendant who are already impleaded as per order in

I.A.10/2024. The learned counsel for the petitioner sought for an ad-interim order stating if it is not granted the purpose of petition may be defeated. I am satisfied that the petitioner has made out a prima facie case. Balance of convenience is in favour of the petitioner. If an ad-interim order is not granted, irreparable injury may be caused to the petitioner. Hence respondents are restrained by way of an ad-interim order of injunction from committing any act affecting the structural stability of the building situated in plaint schedule property seeking partition or alienating the plaint schedule property without disclosing the suit claim subject to the result of the litigation. This order shall not restrict the maintenance of building without raising any claim over the building based on equity just on the basis of renovation during the pendency of the suit.

Issue urgent notice to the respondents. Comply order XXXIX Rule 3 of CPC. Communicate the copy of this order to the Village Officer and the SRO concerned. For Return of Notice – 05.04.2024.

Pronounced by me in the Open Court on this the 22nd day of March 2024.

Sd/-
Aravind B. Edayodi
Sub Judge

Appendix : Nil

Id/-
Sub Judge

//True Copy//

(By Order)

Sheristadar

Copied by : stn/-
Compd by : svb/-

Copy of Ad-Interim Order in

I.A. 8/2024 in

O.S. 12/2021

Dated: 22.03.2024