

**IN THE COURT OF THE SUB JUDGE, ATTINGAL
PRESENT: SRI. ARSHAD KHAN A.R, SUB JUDGE, ATTINGAL
MONDAY 7th APRIL, 2025/17th CHAITHRA, 1947**

IA. No.2/2025 in OS. No. 140/2024

Petitioners/Plaintiffs:

1. Ramesh. N, aged 55 yers, S/o. Late Natarajan Chettiyar,
T.C.57/3157, Plakkottu Melethattu Puthen Veedu,
Chithranjali Studio Junction, Thiruvallam P.O,
Thiruvananthapuram- 695027.
2. Ramachandran. N, aged 59 years, S/o.(Late) Natarajan Chettiyar,
Puthuval Vila Puthen Veedu, N.S. Bhavan, Valiyakunnu,
Mamom P.O, Attingal, Thiruvananthapuram District, Pin 695104.
3. Ramani @ Rama Mani, aged 53 years,
D/o.(Late) Natarajan Chettiyar, Kizhakkethara Kizhakkathil,
Sakthikulangara P.O, Kollam District, Pin: 691581.

**By Advs: Sri. K.O. Thomas
Smt. L. Mini Alred.**

Counter Petitioners/Defendants:

1. Radhamany. N, aged 59 years, D/o.(Late) Natarajan Chettiyar,
Nisha Bhavan, Kanjirathinmoodu, Elamba P.O, Attingal,
Thiruvananthapuram district, Pin: 695103.
2. Rajendran. N, aged 49 years, S/o.(Late) Natarajan Chettiyar,
Puthuval Vila Puthen Veedu, N.S. Bhavan, Valiyakunnu,
Mamom P.O, Attingal, Thiruvananthapuram, Pin: 695104.
3. Raji. S, aged 47 years, D/o.(Late) Natarajan Chettiyar,
Puthuvalvila Puthen Veedu, N.S. Bhavan, Valiyakunnu,
Mamom P.O, Attingal, Thiruvananthapuram, Pin: 695104.

By Adv. Sri. B.S. Anilkumar - D3

This Injunction petition is coming on for hearing on 7th April, 2025 and the court on the same day passed the following:

ORDER

1. This is an application filed under Order XXXIX Rule 1 of CPC. The suit is for partition.
2. The grievance of the plaintiffs is that the defendants 1 and 3 are making unauthorised construction in the plaint schedule property. Plaintiffs are seeking interim injunction restraining the defendants from trespassing into the plaint schedule property and from making any further construction therein.
3. A commission application was filed along with the suit and it was allowed. The commissioner visited the property on 17-03-2025 at 3.00 p.m and prepared a rough plan and report.
4. None of the defendants filed objection to this I.A so far. The 2nd defendant personally present and submitted that he has no objection in granting the interim relief.
5. Heard both sides.
6. The commission report clearly indicates that construction activities are going on in the plaint schedule property. The suit is for partition. Therefore, none of the co-owners can be restrained from entering into the plaint schedule property. However, none of them can carry out construction in the plaint schedule property according to their whims and fancies before partition of the property. Therefore, an ad-interim prohibitory injunction is ordered as follows:-

(1) Respondents 1 & 3 are hereby restrained from carrying out any unauthorized construction in the plaint schedule property. If they want to carry out any construction in the plaint schedule property, they shall first obtain approved plan and permit from the authority concerned and shall seek further permission from this court to implement the same.

(2) Parties are directed to maintain status quo of the plaint schedule property as per the commission report dated 02-04-2025.

(Dictated to C.A, transcribed and typed by him, corrected and pronounced by me in Open Court, on this the 7th day of **April, 2025**).

Sd/-
ARSHAD KHAN. A.R,
SUB JUDGE.

APPENDIX: Nil

Id/-
SUB JUDGE

Typed by: Sakkeena Beevi
Compared by:

**Copy of Order in
I.A 2 of 2025 in O.S 140 of 2024**

dated: 07-04-2025