

Order No. 15

30/01/2026

Ld. Advocates for the contesting parties are present.

Today is fixed for hearing injunction application.

The injunction petition filed by the plaintiff on dated 21/01/2026 is taken up for hearing.

Heard both sides. Perused the case record.

The Plaintiffs have filed the main suit for Declaration of Right, Title, Interest, Partition, and Permanent Injunction. It is the case of the plaintiffs that the suit property remains undivided and is pending adjudication. They allege that Defendant Nos. 2, 3, and 4, as legal heirs of Late Ravi Kirtonia, have recently commenced construction activities on the suit land without any formal subdivision or partition.

It is noted that Defendant No. 1 has entered an appearance and filed a Written Statement, while the proceedings against Defendant Nos. 2 to 4 are currently being heard ex-parte. The matter is presently at the stage of framing of issues.

Upon hearing the learned counsel for the plaintiffs and perusing the

Title Suit No. 254 of 2024

Order No. 15

30/01/2026 records, the Court finds that the suit involves a substantial question

regarding the partition of ancestral/joint property which requires trial. Until the shares are defined, no party can unilaterally change the nature of the property.

If construction is allowed to continue, it would create third-party interests or permanent changes to the land, complicating any future decree of partition. Thus, the balance of convenience lies in maintaining the status quo.

If the defendants succeed in raising a permanent structure on undivided land, it would cause irreparable injury to the plaintiffs' right to seek their specific share in its original form.

This Court thinks that there is a good prima-facie case in favor of the plaintiffs.

Refusal to grant injunction would result in irreparable injury to the plaintiffs and the plaintiffs need to be protected from the consequence of apprehended injury.

In view of the above discussion, the application under Order 39, r. 1 & 2 of the C.P.C. is liable to be allowed.

Hence, it is

Ordered

that the application, dt. 21/01/2026 filed by the plaintiff, under Order 39, r. 1

& 2 of the C.P.C. is allowed on contest, but without any order as to costs.

Defendant Nos. 2, 3, and 4, including their agents, family members, or authorized representatives, are restrained by way of a Injunction from carrying out any further construction work, alterations, or changing the nature and character of the suit property as described in Schedules A, B, C, and D of the plaint, until the final disposal of this suit.

Both the parties are directed to maintain status quo as regards nature, character, possession of the scheduled properties till disposal of the suit.

To 06/02/2025 for framing of issues.

Dictated and Corrected by me.

Joint Civil Judge(Sr. Div.),
Port Blair

Joint Civil Judge (Sr. Division),
Port Blair