

common order in I.A. No. :3/2025 in OS No.: 73/2025

Date:30.04.2025

This petition is filed by the petitioner under Order 39 Rule 1 and 2 C.P.C.

The Petitioner side heard and petitioner side documents filed in support to the petition was perused carefully.

On considering the petition averments and the documents filed along with the view of the court is that the Plaintiff/ Petitioner has filed the documents No.1. to 7 to support his claim, the plaintiff has filed the copy of the police complaint dated 04.04.2025, the Copy of the CSR.No. 703/2025 on the file of Pallikaranai Police Station dated 13.04.2025, the Video Recording in Folder No.1 dated 04.04.2025 to 14.04.2025, the Audio Recording in Folder No.2 dated 04.04.2025 to 14.04.2025, the Electronic Legal Notice sent to the police dated 13.04.2025, the Photographs dated 04.04.2025 to 14.04.2025, the property tax receipt in favour of the plaintiff. Upon perusing the relevant application filed for grant of relief of ad-interim Injunction thereby restraining the respondent/ defendant, 1 to 5, their men, servants, agents, tenants/ lessees etc., from damaging the RCC Roofs of the Plaintiff's car parking area, by drilling, breaking, core cutting, demolishing manually, mechanically or using equipment and or otherwise any other manner, over or excessive loading by constructing by and additional structure and super structure using RCC and

Iron with respect to the Plaintiff Schedule Property. Upon perusing the relevant materials and not venturing into the merits of the case, as of there is a prima facie case that if further construction is made it would cause serious structural damage to the plaintiff's building. Hence the prima facie is made out in favour of this Plaintiff/ Petitioner as the plaintiff has adduced the tile deed in her favour and also the possession document in favour of the plaintiff is adduced on the plaintiff side and the same is perused carefully. Therefore balance of inconvenience is higher to this petitioner when compared to the respondent/ defendant as the peaceful possession of the plaintiff over the suit scheduled property is disturbed by the respondent by damaging the basic structure of the plaintiff's portion of the building. Further the petitioner counsel claims that the petitioner/ plaintiff would be put to irreparable loss if the petition is not allowed as the petitioner's right to live peacefully without threat of collapse of the building which is the suit property and his right to live peacefully would be deprived. Further allowing this petition would not cause serious prejudice to defendant/ respondent, it would cause prejudice to this plaintiff/ petitioner if the same is not allowed. Hence in the result for the reasons stated above, the relief of **"Status quo" thereby restraining the respondent/ defendant, 1 to 5, their men, servants, agents, tenants/ lessees etc., from damaging the RCC Roofs of the Plaintiff's car parking area, by drilling, breaking,**

core cutting, demolishing manually, mechanically or using equipment and or otherwise any other manner, over or excessive loading by constructing by and additional structure and super structure using RCC and Iron with respect to the Plaintiff's Property is located in any manner accordingly is granted till 04.06.2025 and the Order XXXIX, further the Rule 3 (a) & (b) of C.P.C. has to be complied by way of filing an affidavit without any deviation. It is further ordered that the condition as envisaged under order XXXIX rule 1 & 2 of C.P.C. to be strictly complied with by the petitioner.

Call on 04.06.2025