

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.01,
KODAIKANAL, DINDIGUL DISTRICT**

Present: Thiru. R. ARUN PANDIAN B.A.,B.L.,(Hons). M.L.,

District Munsif cum Judicial Magistrate No.01, Kodaikanal

Wednesday , the 09th day of July, 2025.

I.A.No.137 of 2022

In

O.S.No. 64 of 2022

Mr.P.Vethiyandi ... Petitioner / Plaintiff

/versus/

1. Mr.Manohar
2. Mr.Rajendran
3. Hendry ... Respondents / Defendants

This petition is heard in the presence of Mr.N.Ramachandran the Learned counsel for the Petitioner / Plaintiff and Mr.A.Mohamed Mydeen the Learned counsel for the R2 and R3 Respondents / Defendants and R1 set exparte on 05.09.2022. Enquiry heard on both sides and having stood over for my consideration till this day, this court delivered the following,

ORDER

1. This Petition is preferred by the Petitioner under Order 39 Rule 1 and 2 of the Code of Civil Procedure (In short, 'the Code').

2. The Petitioner is the Plaintiff and the Respondents R1 to R3 are the Defendant in the main suit respectively. For the sake of convenience, the parties are referred to as their status in the present petition.

3. This IA 137 of 2022 stood arose in the case OS 64 of 2022. The main suit was preferred by the petitioner herein, seeking the relief of permanent injunction restraining the defendants as to not to interfere in the construction work appertaining a compound wall in

regard the plaintiff's suit property. The suit OS 64 of 2022 stood filed with an interlocutory application IA 137 of 2022, seeking interim injunction restraining the respondent as to, not to interfere in the construction of compound wall. The same was considered and ad interim injunction was granted by this court on 04.08.2022. The said IA 137 of 2022 all the way stands dragged for more than two years eleven months. The Honble Apex Court in the case Morgan Stanley Mutual Fund Vs Kartick Das (1994) 4 SCC 225 has held that " even if granted, the ex parte injunction would be for a limited period of time".

4. The prime consideration placed and pleaded for ad interim injunction being that, the construction of compound wall be interfered and hindered by the respondent. The object of interim relief is to evolve a workable formula to the extent called for by the demand of the situation. The written statement filed by the respondents in the main suit delineate the aspect that compound wall construction completed. The situation and circumstance on the basis of which the ad interim injunction was initially granted have since materially changed. Therefore, continuation of the injunction, despite such change, would be antithetical to the settled principles governing the grant of injunctions, which requires that injunction must not operate when its underlying basis ceases to exist.

It is also expressly made clear that the above observations made by this Court are not on the merits of the case. The status quo as it exists on the date of this order shall not be changed by the parties by their acts. For the sole purpose to proceed with the main trial, and determine the rights as claimed and denied by the parties in the main suit, this IA137 of 2022 is dismissed.

In the result, the petition is dismissed. No cost.

Dictated by me to the Steno-Typist directly and typed by him in the lap-top and corrected and pronounced by me in the open court on the 09th day of July 2025.

**District Munsif cum Judicial Magistrate No.I,
Kodaikanal.**

Plaintiff side Witnesses: Nil

Plaintiff side documents:

Ex.A1	24.07.1959	Sale deed	Certified copy
Ex.A2	24.05.2001	Will	Original
Ex.A3	02.01.2004	Death Certificate of Dr.Ramamoorthi	Photocopy
Ex.A4	--	Patta	Original
Ex.A5	--	Adangal	True Copy
Ex.A6	--	Chitta	True Copy
Ex.A7	01.04.2013	Property Tax Receipt	Original
Ex.A8	08.04.2022	Online Patta	Computer out put copy
Ex.A9	31.07.2009	A. Register Extract	True Copy
Ex.A10	04.07.2018	E.B Receipt	Original
Ex.A11	10.04.2013	Water Tax Receipt	Original
Ex.A12	--	Sub Division Sketch	Original
Ex.A13	--	Site Plan	Original
Ex.A14	30.07.2009	Sub Division Sketch	Original
Ex.A15	29.03.2022	Police Complaint	Office Copy
Ex.A16	26.07.2022	Police Complaint Receipt	Original
Ex.A17	--	Photos (5 Nos.)	--
Ex.A18	--	Compact Disk and Receipt	--

Defendants side witnesses and documents – Nil.

**District Munsif cum Judicial Magistrate No.I,
Kodaikanal.**