

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF
PADMANABHAPURAM.

Present: Thiru.A.Maruthupandi, B.Com., B.L.,
Principal District Munsif,

Tuesday, the 20th day of June 2023

I.A No.01 of 2023

in

O.S No.63 of 2023

Rahini

.. Petitioner/Plaintiff

/Vs. /

1. Sudha
2. Suresh Kumar
3. Raju

.. Respondents/ Defendants

This petition is coming before me for final hearing in the presence of Mr.S.R.C.Dinesh, learned counsel for the petitioner/Plaintiff . Upon hearing the counsel of Petitioner/plaintiff and on perusal of the records stood over for consideration till this day, this court passed the following :-

ORDER

This petition is filed under Order 39 Rule 1 and 2 Section 151 of Civil procedure Code to pass an order of an ad-interim injunction restraining the respondents/defendants or their men from trespassing into the suit property and altering the present physical features of the schedule property till the disposal of the suit.

2. THE AVERMENTS IN THE PETITION IN BRIEF :-

i) The petitioner/ Plaintiff stated that the suit is filed for permanent injunction. The plaint 'A' and 'B' schedule properties having an area of 11.995 cents of land comprised in Re.Sy.No.133/2A1B was purchased from Raju, who is the 3rd respondent/3rd defendant. The petitioner/plaintiff purchased plaint schedule properties on 03.03.2022 by document Nos.762/2022 and 763/2022. The plaint schedule property paying tax and is in enjoyment of the same. They are looking for a chance to encroach in petitioner/plaintiff property . The plaint schedule property is a separate and independent plot from the surrounding properties. The plaint schedule property was purchased by him to put up a house for her residential purpose. The 1st and 2nd respondents/defendants property lied on the east and south of his property. The 3rd respondent/3rd defendant is the close associate.

ii) The respondents/defendants are now attempting to demolish the boundaries with an intention to trespass into the plaint schedule property and also trying to change the physical features of the plaint schedule property. On 09.05.2023 the respondents/defendants made an attempt to demolish the boundaries and to trespass into the plaint schedule property. The petitioner/plaintiff requested the respondents/defendants to settle the matter out of court and an oral request was made on 12.06.2013. The respondents/defendants are not amenable for settlement. Hence this petition.

3. POINTS FOR DETERMINATION :-

Whether the petitioner/plaintiff is entitled to the relief as prayed for or not?

4. DISCUSSION AND ANALYSIS :-

Petitioner/plaintiff 's side heard. Records perused carefully.

i) This petition is filed under order 39, Rule 1 and 2 of civil procedure code for getting an ad-interim injunction.

ii) The learned counsel for the petitioner/plaintiff argued that the petition schedule properties were purchased by the petitioner/plaintiff through document No.763 of 2022 and 762 of 2022 and from the date of purchasing she has been in possession and enjoyment over the same and paying taxes to the Government and got a patta in her name, but due to previous enmity, the respondents/defendants are trying to demolish the boundary of properties of petitioner/plaintiff and encroach the same, hence the petitioner/plaintiff lodged complaint before the Thiruvattar police, but no action was taken refusing that if the dispute is civil in nature and advised her to approach the civil court, so this petition is filed for getting an ad-interim injunction.

iii) On perusal of document No.1 and 2 it is found that the petitioner/plaintiff had purchased the petition schedule properties and on further perusal of document No.3 and 4 it is seen that she has been paying tax and got patta in her name. So, in the said circumstances prima facie case is made out and balance of convenience also

infavour of petitioner/plaintiff and if an ad-interim injunction is granted no prejudice would be caused to the respondents/ defendants.

6. DECISION:

In the result, an ad-interim injunction is granted till 04.07.2023 order 39, Rule 3 A of CPC to be complied with. call on 04.07.2023.

Dictated to the Steno-Typist directly, typed by her in computer, corrected and pronounced by me in open court, on this 20th day of June, 2023.

Principal District Munsif ,
Padmanabhapuram.

PDMC, Padmanabhapuram.

I.A.No.1/2023 in O.S.No.63/2023

Draft/Fair Order:

Dt: 20.06.2023.