

3. Heard the petitioner. Though sufficient time and opportunities were given, the respondent made no oral submissions and hence, her side is taken as heard and the following order is passed.

4. Now the point to be answered here is whether the present I.A is to be allowed or not?

5. The petitioner/plaintiff has filed the main suit for partition of the petition schedule property which is 7 cents of land with a building bearing door no.13/40 found in resurvey no.420/2020 of Lakshmipuram village at Kallukootam, as against her only sister namely the respondent/defendant.

6. The relevant facts like, the sale deed in favour of the plaintiff's parents dated 10.02.1983, their father's death on 28.8.2002 and the mother's death on 26.06.2025 are all not denied or disputed by the respondent in her counter. But, she claims exclusive right over the petition schedule property by pleading that there was a family arrangement done during the life time of their mother and hence the petitioner cannot seek for any share in the said property. But, the relevant questions like, whether the petition schedule property is available for partition ? Whether the plaintiff and her mother was taken care of by the defendant ? Whether the petitioner orally conveyed her right infavour of the respondent for valuable consideration ? Whether there was a family arrangement or a family settlement wherein the respondent's husband paid Rs.25 lakhs towards the petition schedule property ? Whether the petitioner accepted to convey the suit property infavour of the respondent as per the family settlement, who promised to execute a registered document in this regard ? are all can be decided during the trial when evidence is let in by both the parties.

7. While so, as the respondent has not denied the title of their parents in respect of the petition schedule property, based on the counter averments, the petitioner has shown a prima facie case in her favour. If the present interim relief is granted, it will not cause any irreparable loss or injury to the respondent, whereas, if the relief is not granted it may lead to multiplicity of proceedings. Hence, the balance of convenience leans in favour of the petitioner.

8. Considering the above said facts and circumstances, this court is inclined to allow the present I.A., restraining the respondent from alienating or encumbering the petition schedule property until further orders. Accordingly, the I.A. is allowed in part. No costs.

Pronounced by me in open court on this the 25th day of March, 2026.

Sd/-
Subordinate Judge,
Eraniel.