

The Bishop, Most Rev.Dr.Nazarene Soosai,
R.C.Diocese of Kottar, rep. By Rev.Fr.Maria William
(as power of attorney to the Bishop of Kottar.

1 I.A.No.7/ 2023 in IA.No.3/2023 in OS.No.94 of 2023.

**IN THE COURT OF THE DISTRICT MUNSIF,
ERANIEL.**

Present: **Thiru. A. Maruthupandi, B.Com., B.L.,**
District Munsif, Eraniel. (F.A.C.)

Friday, the 10th day of November 2023

I.A.No.07/2023
in
I.A.No.03/2023
in
O.S.No. 94/2023

The Bishop, Most Rev.Dr.Nazarene Soosai,
R.C.Diocese of Kottar,
rep.by Rev.Fr.Maria William,
(as power of attorney to the
Bishop of Kottar)

... Petitioner/Petitioner/Plaintiff.

vs

1.C.Pon Muthu Rani,
2.Nickson

..... Respondents/Respondents/Defendants.

This petition is coming before me for final hearing in the presence of Mr.S.Stanly Casmic Sundar, learned counsel for the Petitioner/ Petitioner / Plaintiff and upon hearing the arguments on Petitioner side and on perusal of the case records and having stood over for consideration till this day, this court delivered the following

Order.

This petition is filed under Section 28(2) of the Civil Rules of Practice to advance the interim injunction petition in I.A.No.3/2023 from 10.11.2023 to 20.10.2023 in such a way to hear the injunction application urgently.

2. THE AVERMENTS IN THE PETITION IN BRIEF:-

(i) Petitioner is the Power of Attorney of the plaintiff. That I.A.No.3/2023 is an interim injunction application filed by the plaintiff. The suit as well as I.A.No.3/2023 are posted on 10.11.2023 for further hearing. As the defendants are constructing their house in such a way by occupying plaint 'B' Schedule property , a portion of the plaint 'A' schedule property. Therefore the plaintiff filed the suit and IA.No.3/2023, in which he requesting the court to pass an interim order directing the defendants to stop further work on the building till the disposal of the suit. The court ordered only to issue notice to the defendants.

(ii) Hearing of the same the defendants are doing the work with high speed. If they are permitted to do so, it will be great hurdle to restore the same as before. Therefore it is necessary to stop the work from the initial itself. Before filing of the suit , at the request of the defendants, the plaintiff applied before the Taluk to fix the boundaries between the plaint 'A' and 'C' schedule properties through Taluk Surveyor. Basing upon the order of the Thasildar the Taluk Surveyor visited the suit properties on 21.09.2023. The trial to measure the suit properties was prevented by the 2nd defendant. As such again the Taluk Surveyor through police help visited the suit properties on 11.10.2023. The plan prepared by the Taluk Surveyor is produced herewith the petition. On perusal of the plan prepared by the Taluk Surveyor it is learned that the defendats are constructing their house, in such a way by projecting 2 cents inside the plaint 'A' schedule property. It is a clear proof for annexation of property from plaint 'A' schedule by the defendatsto their property.

(iii) Therefore it is just and proper for an order of interim injunction of this court restraining the defendants from further construction of the building. But the

work therein is going on very high speed. Hence , it is necessary to here the interim injunction application urgently by advancing the I.A.No.3/2023 from 10.11.2023 to today, failing which the plaintiff will be put into irreparable loss and hardship.

3. Counter not filed on the side of Respondents.

4. POINTS FOR DETERMINATION:-

Whether the Petitioner/Petitioner/Plaintiff is entitled to the relief as prayed for or not ?

5. DISCUSSION AND ANALYSIS:-

Petitioner/Petitioner/Plaintiff side Heard. The main suit is coming today, hence it is a instructious one.

6. DECISION:-

In the result, petition is Dismissed.

Written by me, typed by Steno-Typist in computer, corrected and pronounced by me in open court, on this 10th day of November 2023.

Sd/-A.Maruthupandi,
District Munsif,
Eraniel, (FAC)

True copy

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