

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

Present: **Thiru. M. Senthil Kumar, B.A.,B.L.,**

District Munsif, Eraniel.

Friday the 1<sup>st</sup> day of July 2022

**I.A.No.3/2022**

**IN**

**O.S. No.28/2022**

T. Jegan

Rep. by his Power Holder wife

Janaki

..... Petitioner / Plaintiff

Vs.

1. M. Krishnan Nadar

2. Thangam

..... Respondents / Defendants

Sri. Adv. Mr. C.S. Lenin, For the Petitioner / Plaintiff

This petition is coming hearing on 01.07.2022 and upon hearing the argument on petitioner side and having stood over for consideration till this day, this court delivered the following Order :

**ORDER**

1. The petitioner has come before this court on application under order 39 Rule 1 and 2 seeking for a temporary injunction as against respondents 1 and 2 who are the defendants main suit.

**2.** The main suit has been filed praying for permanent injunction, the gist of the case is that the plaintiff owner of 'A' schedule property comprising 7.500 cents in Kurunthencode 'A' village, Kalkulam Taluk, Re-Survey No.262/15. It is also the case of the petitioner that while his vendor sold the 'A' schedule property created a pathway 3 feet and conveyed along with the 'A' schedule property a pathway right that have been transferred through that said deed. Further the petitioner would state that the 'A' schedule property larger part of area owned by one Gandhimathi Bai had sold pieces of land by forming pathway when the larger area was divided into small parts. Further it is also the case of the petitioner / plaintiff case land owners abutting to Muttavilai - Nettancode, Highway village donated land 150 feet (approx) 3 feet pathway. So as to the plaintiff as well as the defendants get access to reach their respective property. Now that the petitioner / plaintiff's case is that the respondents 1 and 2 who are husband and wife who hold property to the north of plaintiff 'B' schedule property are attempting to block the 'B' schedule property in such away properties are merged as single plot. In support of raised above contention several plaintiff documents including the original sale deed along with the photographs and the police complaint has been filed in this regard.

**3.** This court after hearing the petitioner's counsel and perusing original records in particular plaintiff document No.1 document dated 01.04.2009 court had found that the vendor had conveyed the total extent of 7.500 cents along with the 3 feet pathway, which forms separately along

with petitioner / plaintiff's with the 'A' schedule property. Plaintiff document No.7 photographs would show that some Hollow Block Bricks are being piled up at the alleged 'B' schedule property.

4. The counsel for the petitioner insisting for order stated defendant's daughter is a police official and she may influence her authority take undue advantage more over the petitioner prays that the property is in name of the husband and as present he is working in overseas, the petitioner apprehends the defendants may achieve their goal.

5. Heard, the petitioner perused the documents plaintiff document No.1 sale deed make prima facie case 'B' schedule property it is admeasuring 3 feet pathway conveyed by vendor of petitioner / plaintiff's husband. Plaintiff document No.7 shows obstructions being made intentionally to change the nature of the property. Under these compelling circumstances this court is of the opinion this court's indulgence resisting the defendants from interfering to the physical possession of 'B' schedule property by the petitioner / plaintiff's has to be safeguarded. The plaintiff has made of a prima facie case, balance of convenience is in her favour there is a persisting danger in nature of 'B' schedule property might be changed by the respondents. In these circumstances this court is of the considered opinion that an order of status quo as interim order desisting the defendants from interfering with physical possession and peaceful enjoyment of 'B' schedule property by the plaintiff is issued and ordered till 14.07.2022.

**6. Order 39, Rule 3** to be complied issue notice to the respondent returnable by 14.07.2022.

Dictated to the Steno-typist, transcribed by her, corrected and pronounced by me in open court this the 1<sup>st</sup> day of July 2022.

Sd/-  
District Munsif ,  
Eraniel.

**Draft/Fair Order**

I.A.No.3/2022

in

O.S.No.28/2022

D.M., Eraniel.

Dated : 01.07.2022.