

IN THE COURT OF THE SUBORDINATE JUDGE, MELUR.

Present: Tmt. M. SAMUNDEESWARI PRABHA, M.A., M.L.,

Friday, the 1st day of August 2025

I.A.No.1/2024

in

O.S.No.322/2024

1. Sangeetha

2. Minor.Swetha

3. Minor.Rishwath

(Through the 1st petitioner Sangeetha, the guardian
and mother of the 2nd and 3rd minors petitioners)

..... Petitioners/Plaintiffs

// Vs //

1. Alagarsamy

2. Santhi

3. Kannan

4. Brendha

5. Indhumathi

..... Respondents/ Defendants

This petition coming up for final hearing before this court on 01.08.2025 in the presence of Advocate.Mr.G.Vijaya Prabhakaran, Advocate for the Petitioners and 1st, 2nd, 4th and 5th respondents were called absent set exparte on 01.08.2025 and the 3rd respondent was called absent set exparte on 05.12.2024 and upon hearing the petitioners side and on perusal of the records and having stood over for consideration till this day, this court delivers the following:-

ORDERS

This petition has been filed Under Order 39 Rule 1 & 2 of CPC to pass an order to grant an interim injunction restraining them from selling the petition property until the divides the 3rd respondent's share and divides $\frac{1}{4}$ of the 3rd respondent share among the respondents, until the conclusion of this case and the conclusion of this petition.

1. Brief averments of the petition :-

(I) The 1st petitioner herein is the 1st plaintiff in the original suit. The 2nd and 3rd petitioners are the childrens' of the 1st petitioner. The 3rd respondent is the husband of the 1st petitioner. The 3rd to 5th respondents are the parents of the 1st and 2nd respondents. The 1st petitioner and the 3rd respondent got married on 29.01.2011 at the 1st respondent house in Keezhakalandari. As a result of our married life, 2,3 minor petitioners were born. The 3rd respondent/3rd defendant, despite earning well, drank and behaved like a fool without paying attention to us, took loans from many places and he spent as he pleased and drove us away. The 3rd respondent beat us and left the house in August of the year 2020. In this situation, the 1st petitioner husband has been living separately from

the 3rd respondent since that day in 2020. He has not paid any maintenance expenses for us. The 3rd respondent sold all the valuables and jewelry that her parents gave the 1st petitioner during our marriage and drank it, and the 3rd respondent and the lenders outside the 3rd respondent forced and threatened the 1st petitioner to give it to them. Therefore, we are living a difficult life without any support and maintenance. Considering this, it will be of great help for our future life to claim the share due to us from the 3rd respondent's share of the family ancestral property in the name of her father-in-law, the 1st respondent. Otherwise, her husband/ 3rd respondent, will destroy his share and live happily ever after. This will put our lives in question. He lived luxuriously with the money he earned. The above 1st respondent/ father-in-law, Alagarsamy, is the family property of 2 houses and 4 acres of land in Keezhakalandari, which was inherited by his father Karuppanan. All the defendants are enjoying the claim property jointly. The 1st respondent's father, Karuppanan, has acquired the claim property in the years 1977, 1981, 1988, 1989, and 1991. The defendants are attempting to sell the claim properties to a third party.

(ii) In this situation, the grandson of the 1st respondent, is acting with the evil intention of isolating the 2nd and 3rd petitioners from the property that should belong to them. All the above suit properties are self-acquired Hindu joint family properties inherited by her father-in-law, Karuppanan. After the death of the above respondents/defendants Karuppanan, the above suit properties are being protected and enjoyed by the respondents/defendants themselves. The above suit properties

are inherited by the respondents/defendants. The 1st respondent, the grandfather of the minor children, asked for a share of the 3rd respondent, the 1st respondent refused. Therefore, the 1st petitioner have no other option but to file this petition in the court seeking a share of the suit property. The 1st petitioner's has filed this petition seeking a permanent injunction to prevent the respondents/defendants from selling the petition property to the encumber. Hence this petition has to be allowed.

2. The point for consideration aroused is that :-

Whether the petition has to be allowed or not ?

3. Point :-

Counter of R1, R2, R4, R5 not filed till date. R1, R2, R4, R5 set exparte. Petition allowed.

5. Result:-

In the result, this petition is allowed. No costs.

Dictated to the Steno Typist by me, and typed by her directly, corrected and pronounced by me in open court, this the 1st day of August 2025.

**Sub Judge,
Melur.**

Petitioners and Respondent both sides witness and documents : Nil

**Sub Judge,
Melur.**

**Draft/Fair Order
in
IA.No.1/2024
in
O.S.No.322/2024
Dt : 01.08.2025
Sub Court, Melur.**