

IN THE COURT OF THE I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, VELLORE, VELLORE DISTRICT.

PRESENT: Tmt.G.Santhi, B.A., M.L.,
I Additional District and Sessions Judge,
Vellore.

Friday, the 20th day of December, 2024

I.A. No.1/2022 in O.S. No.169/2022
CNR.No.TNVL01-004895-2022

1. Johnsi
2. Rukmani

. . . Petitioners/Plaintiffs

Versus

1. Shyamala
2. Kuppusamy
3. Seshadri

. . . Respondents/Defendants

This petition is coming on 06.12.2024 before this court for final hearing in the presence of Thiru.S. Gunasekaran and Thiru.S.VijayaBaskar, Advocates for the Petitioners/Plaintiffs, Thiru.V. Kuppan, Advocate for the Respondents 1 and 2 and Thiru. M. Sudhakaran, Advocate for the 3rd respondent and upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This petition filed on behalf of the Petitioners under Order 39 Rule 1 and 2 and section 151 CPC and the petitioner prays to order of injunction restraining the respondents, their men, their agents, their servants from cutting and removing the trees situated in the schedule mentioned properties until a due partition is effect by metes and bounds till the disposal of suit and also an

interim injunction on the same lines till the disposal of this petition.

2. Brief averments in the affidavit are read as follows:

This petitioners are the plaintiffs in the above suit. The deponent / 1st plaintiff filed the affidavit by himself on behalf of other petitioners/plaintiffs. The petitioners have got 12/25 shares in the suit scheduled properties and they are in possession and enjoyment of the same along with respondents who are his mother and brother. The respondents are trying to cut and remove the trees situated in the scheduled properties with view to deceive their share in the sale proceeds. Hence, the petitioner prays to grant of an interim injunction as against the respondents. Hence the petitioner prays to allow this application.

3. Brief averments in the counter are read as follows:

The petition is not maintainable either in law or on facts in the circumstances of the case. The Respondents 1 and 2 filed memo to adopt the written statement filed in the above case as counter in this application. The above case was filed for partition, to divide the suit properties into 25 equal shares and allot 12 shares to its plaintiff and separate possession and grant injunction restraining the defendants from cutting and removing any trees, until disposal of suit and for cost.

4. The point to be decided is that, whether the petition is to be allowed or not?

5. On perusal of case records, the defendant themselves admitted that the suit mentioned properties are the ancestral properties of the plaintiffs

and defendants and they are in joint constructive possession and enjoyment of the same and items 1 to 19 are the ancestral properties acquired through registered partition deed dated 27.06.1967 and their father Ramu Naidu was died on 08.07.2019.

6. In this circumstances, considering the nature of the case till completion of trial and disposal of suit it is very much necessary to prevent the parties from cutting any trees. In this circumstances the petitioner made out prima facie case balance of convenience in favour of the petitioners.

As a result, this court decided to allow this application and to grant an order of injunction restraining the respondents, their men, their agents, their servants from cutting and removing the trees situated in the schedule mentioned properties until a due partition is effect by metes and bounds till the disposal of suit and also an interim injunction on the same lines till the disposal of this petition.

Dictated by me to the Typist, typed by her in computer, corrected and pronounced by me in the Open Court, this the 20th day of December 2024.

Sd/- Tmt. G.Santhi
I Additional District Judge,
Vellore.