

IN THE COURT OF II ADDITIONAL DISTRICT & SESSIONS JUDGE,
ARAKKONAM, RANIPET DISTRICT.

Present: Tmt.K.S.Jayamangalam, M.L.,
II Additional District & Sessions Judge,
Arakkonam.

Wednesday the 25th day of March 2026.

I.A.No.6/2025 in O.S.No.81/2025

S.Kalaivani

...Petitioner/D6

/vs/

1. Dhanasekar

...1st respondent/plaintiff

2. Vijayalakshmi @ Kalaiselvi

3. Nagarajan

4. Mahalakshmi

5. Sumathi

6. Latha

7. Kiruthika

8. N.Vasanth

...Respondents/D1 to D5,D7 & D8

This petition came up before me on 09.03.2026 for final hearing in the presence of Advocates Thiruvallargal A.E.Sivaprakasam & R.Boopala appearing for the Petitioner and Advocates Thiruvallargal N.G.Thamizhselvan & N.G.Parthiban appearing for R1 and Advocate Thiru.A.Gopinath appearing for R2 & R5, they endorsed 'No counter' and Advocate Thiru.K.Loganathan appearing for R3 and Advocates Thiruvallargal P.Ramamoorthy & G.Anandan appearing for R4 and R8 and Advocate Thiru.M.Kumar appearing for R7, they endorsed 'No counter' and R6 called absent set ex-parte and after hearing the arguments of both sides,

upon perusing the entire case records and the case having stood over for consideration till this day, this court delivered the following

ORDER

The petitioner is the 6th defendant has filed this petition under order 39 Rule 1 & 2 and Section 151 of C.P.C to grant Temporary injunction restraining the 3rd defendant and her beneficiaries from making any encumbrances for transfer of share of the properties belonged to the 8th defendant till the disposal of the suit.

2. Brief of petition runs as follows:-

The petitioner is the 6th defendant in the above suit. The plaintiff and the defendants 1 to 5 and 7 are her brothers and sisters and 8th defendant is her mother. The plaintiff has not taken care of his mother for her essential needs of her life. The 8th defendant was living separately after the death of her husband. The petitioner and her husband only taking full care of 8th defendant and spent Rs.7,000/- for her medical expenses because she is a heart patient and also suffering mentally ill-health. During the month of August 2024 the 3rd defendant and her husband Kumar and their daughter Dharani took the 8th defendant to their house at Rangapuram Village without the knowledge of the petitioner. The 3rd defendant did not allow anyone including the daughters into their house and thereafter the petitioner came to know that the 8th defendant is wrongful confinement by the 3rd defendant and her husband and daughter. The 8th defendant is incurring irritation and annoyance and also she is threatening by them. The petitioner's husband is continuously providing medicines through a medical shop person namely

Balaji every month. The 3rd defendant and her husband had no work and no income permanently. They ill-mind with motivation to grab the jewels of 8th defendant and intend to get the share of the 8th defendant in the suit properties. Their intention is unlawful and threatening to get the 8th defendant's signature in stamped papers and obtain to transfer her share of property in the name of 3rd defendant or her beneficiaries by way of Will, Gift, Settlement etc., is certainly violation of the rule of 'Consensus ad-idem'. Hence, it is necessary to restrain the 3rd defendant and her beneficiaries to make any encumbrances for transfer of share of the properties belonged to the 8th defendant till the disposal of the suit. Unless the petition is allowed, she will be put to great loss and hardship.

3. Brief of counter filed by the 1st respondent/plaintiff runs as follows:-

This respondent denied all the averments made in the affidavit except those that are specifically admitted herein and puts the strict proof of the same. This respondent filed the above suit against the defendants for partition and separate possession of 1/3rd share in the joint family properties and for permanent injunction. The present petition filed by the petitioner/6th defendant is not maintainable either in law or on facts. The petitioner/6th defendant has no locus standi to file this petition as she has already received her share of properties during the life-time of their father Late.Narasimma Reddy and relinquished her rights over the remaining joint family properties. The relief sought is vague, speculative and does not establish any prima facie case, irreparable injury or balance of convenience as required u/o 39 R 1 & 2 of CPC. The 8th respondent/ 8th defendant is of sound mind and is

capable of taking her own decision regarding her properties. She has been coerced, threatened or influenced by anyone. The 8th respondent/8th defendant is the absolute owner of 1/3rd share in the suit properties and she is free to deal with it as she deems fit, subject to the outcome of the present partition suit. The petitioner/6th defendant was provided her share through two sale deeds dated: 11.12.2005 and 15.12.2006 in favour of her husband namely A.E.Sivaprakasam. No sale consideration was paid and these transfers were made as part of the family arrangement. The petitioner/6th defendant along with other defendants 1,3,4,5 and 7 received cash amount of Rs.25,00,000/- from their father. The 1st respondent/plaintiff performed the marriage of the petitioner/6th defendant by spending lakhs of rupees and providing more than 50 sovereigns of jewels. Family arrangement made in the presence of all family members and relatives the petitioner/6th defendant and other defendants relinquished their rights in the remaining joint family properties and admitted that only the plaintiff, 2nd defendant and 8th defendant should enjoy equally all other joint family properties. The petitioner/6th defendant has no locus standi or legal right to seek any relief regarding the suit properties or the 8th respondent/8th defendant's share. petitioner/6th defendant has failed to establish any prima-facie case. The petitioner/6th defendant has not produced any material evidence to substantiate her claims of wrongful confinement or threat to the 8th respondent/8th defendant. The balance of convenience is entirely in favour of maintaining the status quo as prayed by the plaintiff in the main suit and not in granting the relief sought by the petitioner/6th defendant. The present petition is nothing but an attempt by the petitioner/6th defendant to create unnecessary obstacles in the partition proceedings and to delay the same.

The present petition is filed with the malicious intent to harass the plaintiff and to prevent him from obtaining his legitimate 1/3rd share in the suit properties. This petition is based only on conjecture, speculation and hearsay. Hence, the petition is to be dismissed.

4. The 2nd and 5th respondents/D1 and D4 counsel endorsed ‘No counter’ and petition may be allowed and the same was recorded. The 7th respondent/D7 counsel endorsed ‘No counter’ and the same was recorded.

5. **Brief of counter filed by the 3rd respondent/D2 runs as follows:-**

This respondent admitted all the entire averments mentioned in the affidavit. Hence, this court may be pleased to allow the present petition.

6. **Brief of counter filed by the 4th respondent/D3 adopted by the 8th respondent/D8 runs as follows:-**

This petition is not maintainable either in law or on facts. This respondent has no iota of intention to make any encumbrance for transfer of share of the properties belonged to the 8th respondent/ 8th defendant. This respondents are ready to contest the above suit on merits. The petition filed by the petitioner is devoid of merits, hence the petition is to be dismissed with costs.

7. No oral or documentary evidence was let in by both sides.

8. **The Point for consideration:**

1) Whether the petition is to be allowed or not?

9. The petitioner is the 6th defendant filed this petition against the 3rd defendant seeking the relief of injunction restraining her from making any encumbrances in respect of the petition mentioned properties belonged to the 8th defendant till the disposal of the suit. The 1st respondent/plaintiff is her brother has not taken of her mother. The 8th defendant/D8 is living separately after the death of her father, therefore the petitioner/D6 and her husband only took care of her and providing all essential requirements. During the month of August 2024, the 4th respondent/D3 and her husband Kumar and their daughter Dharani without her knowledge taken her mother to Vellore from her residence. At present her mother is suffering mentally and she is not permitted to go to C.M.C Hospital for her regular check-ups the 4th respondent/D3 and her husband has no source of income, therefore the present petition has been filed.

10. By way of reply, the 1st respondent filed a detailed counter stating that he has filed the suit for partition and also seeking Interim Injunction restraining the respondents from alienating or encumbering the petition mentioned properties. Therefore, the said relief would adequately protects the interest of all the parties including the 8th respondent/D8 therefore the present petition is unnecessary. The 1st respondent/plaintiff has already made out a prima-facie case and balance of convenience is in his favour. Therefore the present petition is liable to be dismissed.

11. The 4th respondent/D3 filed counter adopted by the 8th respondent/D8. The 4th respondent/D3 in his counter has clearly stated that has no iota of intention to make encumbrance to transfer of share of the properties belonged to the 8th respondent/D8. Therefore, the present petition

is liable to be dismissed in limine. The 3rd respondent/D2 filed counter stating that she admitted all the entire averments mentioned in the affidavit.

12. After hearing the arguments of both sides, the petitioner/D6 filed the I.A seeking Interim injunction restraining the 3rd defendant and her beneficiaries from making any encumbrances for transfer of share of the properties belonged to the 8th defendant till the disposal of the suit. The respondents 1, 3, 4 and 8 alone opposed the above petition and argued that the 1st respondent/plaintiff already filed a suit for partition in which he has sought the relief of Interim injunction restraining the respondents 1 to 8 not to alienate or encumber the petition mentioned properties in respect of their shares, therefore, the present petition is liable to be dismissed. The 4th respondent/D3 filed a separate counter wherein she has clearly stated she has no intention to sell the share of the 8th respondent/D8 to any third parties. This court has clearly discussed about the rights of the parties in I.A.No. 4/2025 and the relationship between the parties. In I.A.No.4/2025 itself this court has granted a relief of Interim injunction restraining the respondents 1 to 8 from alienating or encumbering the petition mentioned properties to any third parties till the partition takes place, while so, the present petition is unnecessary. In view of the above discussion and the undertaking given by the 4th respondent/D3 the present petition is disposed off accordingly.

In the result, this petition is closed.

Dictated by me to the Steno-Typist, typed by her directly to my dictation in computer and print taken out, corrected and pronounced by me

in open court, this the 25th day of March 2026.

II Additional District & Sessions Judge,
Arakkonam.

Both sides witness and exhibits: Nil.

II Additional District & Sessions Judge,
Arakkonam.