

PRESENT:- Selvi.A.AMEENA.,BBA.,LLB(Hons)

DISTRICT MUNSIF, ARAKKONAM

Wednesday the 10th day of December 2025

IA.No.01 of 2024

IN

OS.48/2024

(CNR - TNRP080000862024)

1. Lakshmi @ Dhanalakshmi
2. M.Kumar
3. M.Krishnamurthy

---Petitioners/ Plaintiffs

(vs)

1. A.Sanjeevi Reddy
2. G.Muthapa Reddy
3. G.Chinna Kuzhanthai
4. G.Muniammal
5. G.Kuppan
6. G.Perumal
7. G.Venkatesan
8. M.Kushbhu
9. M.Shanmugapandi
10. Adhilakshmi

---Respondents/ Defendants

This suit is coming for final hearing before me on 01.12.2025 in the presence of Mr.G.Anandan counsel appearing for Petitioner/plaintiff. Respondents are set exparte on 21.03.2025. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

ORDER

This petition is filed by Under Order 39 Rule 1 of CPC to pass an order granting temporary injunction restraining the Respondents their men, agents or

servants not to interfere with the plaintiffs peaceful possession and enjoyment of joint suit property till the disposal of the suit and also pass an order granting ad interim injunction to the same effect till the disposal of this petition and thus render justice.

1.Brief Averments of petitioner:

1.1. The petitioners are the plaintiffs in the main case. The petitioner have filed the main suit against the defendants for partition of plaint schedule property by metes and bounds and to allot 1/4th share to petitioners jointly. The schedule hereunder originally belonged to the above said Sanjeevi Reddy, who died intestate in the year 1948. After his death, the schedule property devolved on his four sons namely 1,Anjappa Reddy, 2.Govindaraju Reddy, S.Govindaraja Reddy and 4.Gopal Reddy and they were jointly enjoying the property. Anjappa Reddy and Govindaraju Reddy are the two sons born to Sanjeevi Reddy through his first wife and Govindaraja Reddy and Gopal Reddy are the two sons bom to Sanjeevi Reddy through his second wife. Anjappa Reddy died intestate leaving behind one A.Sanjeevi Reddy, the 1st defendant herein. Govindaraju Reddy died intestate leaving behind G.Muthappa Reddy, the 2nd defendant herein. Govindaraja Reddy died intestate leaving behind his wife Chinna Kulanthai (3rd defendant) daughter Muniammal (4th defendant) and sons Kuppan (5th defendant), Perumal (6th defendant) and Venkatesan (7th defendant). One Munusamy, son of Govindaraja Reddy and his wife Mallika also died leaving behind their children Kushbu (8th defendant), Shanmugapandi (9th defendant) and Adilakshmi (10th defendant). Gopal Reddy, S/o.Sanjeevi Reddy died intestate leaving behind his wife Ayyammal and only son Munusamy Reddy Of them Munusamy Reddy had died on 15.12.2008 and intestate leaving behind his mother Ayyammal, wife Lakshmi (1st plaintiff) and sons Kumar (2nd plaintiff) and Krishnamurthy (3rd plaintiff). Of them Ayyammal had died on 26.07.2023.

1.2. The petitioner states that the petition schedule property belongs to Sanjeevi Reddy, ancestor of our family, remain undivided among the descendants namely ourselves and the respondents and we have been in joint possession and enjoyment of the petition schedule property till now. Revenue Dept, has issued Patta No.494 for the

schedule property which stands in the joint names of ourselves and and the respondents including Ayyammal W/o.Gopal Reddy, our grandmother who later died. The petition schedule property is equally inherited by the legal heirs / four sons of the ancestor Sanjeevi Reddy namely Anjappa Reddy, Govindaraju Reddy, Govindaraja Reddy and Gopal Reddy. After their deaths, the 1st respondent, legal heir of Anjappa Reddy is entitled to 1/4th share, the 2nd respondent, legal heir of Govindaraju Reddy is entitled to 1/4th share and the respondents 3-10, legal heirs of Govindaraja Reddy are jointly entitled to 1/4th share and ourselves, legal heirs of Gopal Reddy, are jointly entitled to another 1/4th share.

1.3. From the month of June 2024 onwards, the respondents .started constructing a house in the schedule land without partition of the schedule properly. Our objection to the respondents' move was not heeded to by them. Therefore, we demanded partition of the petition schedule property by metes and bounds and for allotment of our 1 /4th share. There is no response from the respondents and they continue to construct the house on 18.06.2024 issued legal notices to the respondents. Even after receipt of legal notice there is no proper response from the respondents.

1.4. The respondents are trying to put up house in the undivided share of schedule property without partition of the joint property without any regard to our objection, our legal notice and our valuable right over the schedule property. The respondents are doing so with the intention to claim wrongful right over the joint suit property, to dilute the partition issue and to deprive our right over the schedule properly.

1.5. Unless the respondents are restrained by means of injunction order restraining them, they are interfering in the joint suit property, irreparable loss would be caused to us and the very purpose of filing this partition suit will be defeated. Therefore prayed to pass an order granting temporary injunction.

1.6. The respondent failed to file counter even after granting sufficient time. Hence respondent were set exparte 21.03.2025.

2.Points for consideration:

Whether this petition is to be allowed or not?

There was no oral evidence examined by both sides. Ex.P1 to Ex.P7 were marked on side of the petitioner. No documents were marked by the respondent.

3.Discussion and findings:

3.1. Heard petitioner side. Perused the records. The case of the petitioner is that the petitioner have filed the main suit against the defendants for partition of plaint schedule property by metes and bounds and to allot 1/4th share to petitioners jointly. The schedule hereunder originally belonged to the above said Sanjeevi Reddy, who died intestate in the year 1948. After his death, the schedule property devolved on his four sons namely 1,Anjappa Reddy, 2.Govindaraju Reddy, S.Govindaraja Reddy and 4.Gopal ReddyGopal Reddy, S/o.Sanjeevi Reddy died intestate leaving behind his wife Ayyammal and only son Munusamy Reddy Of them Munusamy Reddy had died on 15.12.2008 and intestate leaving behind his mother Ayyammalwife Lakshmi (1st plaintiff) and sons Kumar (2nd plaintiff) and Krishnamurthy (3rd plaintiff). Of them Ayyammal had died on 26.07.2023. The respondents are trying to put up house in the undivided share of schedule property without partition of the joint property without any regard to our objection, our legal notice and our valuable right over the schedule property.

3.2. On perusal of records it is seen that Ex.P1 is the joint patta of the suit schedule property. Ex.P2 is the A-Register of the suit schedule property. Ex.P3 is the death certificate of the Ayyammal. Ex.P4 is the legal heir certificate of Ayyammal which shows Munusamy as legal heir. Ex.P5 is the legal notice issued to the respondents. Ex.P6 is the Postal Acknowledge card. Ex.P7 is the Genealogical tree of petitioner family. It is pertinent to note that from perusing Ex.P1 it is clear that the petitioners are one of the co-owners of the suit schedule property. Hence, the petitioner has proved prima facie case. However, It is trite law that to grant a temporary injunction all the three test that is prima facie case, balance of convenience, irreparable loss should be established. However, here the petitioner have not adduced any document to show how the respondents have interfere the possession of petitioner. Thus, the petitioner failed to establish the balance of convenience and irreparable loss in his favour.

3.3. At the outset, considering that already issues have been framed in the main suit and the suit is ripe for trial this matter can be decided during the trial. Hence in interest of justice this court is not inclined to allow this petition. In result this petition is dismissed. No cost.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 10th day of December 2025.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits:- NIL

Petitioner side Exhibits:-

Ex.P1	-	joint patta of the suit schedule property
Ex.P2	-	A-Register of the suit schedule property
Ex.P3	-	death certificate of the Ayyammal
Ex.P4	-	legal heir certificate of Ayyammal which shows Munusamy as legal heir
Ex.P5	-	legal notice issued to the respondents.
Ex.P6	-	Postal Acknowledge card
Ex.p7-	-	Genealogical tree of petitioner family

Respondent side witnesses and Exhibits:- NIL

District Munsif,
Arakkonam.