

IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

**PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,
Subordinate Judge, Palladam**

Thursday of 23rd October, 2025

**IA No.5/2025
in
OS No.248/2023**

Chithra

... Petitioner/ 4th Defendant

/Vs/

1. N.Sundaram

... 1st Respondent / Plaintiff

2. N.Mohan

3. N.Selvaraj

4.V.Kalavathi

... 2nd to 4th Respondent /1st to 3rd Plaintiff

This petition is coming on 17.09.2025 for final hearing before me in the presence of Thiru.P.Venkatachalapathy,M.A.,B.L., Advocate for the petitioner and Thiru.Manoj,B.A.,B.L., Advocate for the Respondent. Upon hearing both side argument and on perusal of all connected material records and having stood over till this day for consideration, this court delivered the following..

ORDER

The Learned Counsel for the Petitioner / 4th Defendant filed this application to vacate the injunction which was passed by this Court in I.A.

No. 2/2023. The Learned Counsel for the Petitioner / 4th Defendant argued that the Learned Counsel for the Respondent / Plaintiff issued a legal notice that as per order of this court in I.A.No.2/2023 he asked to remove the superstructure, but it was not the finding of the Court and prayed this Court to vacate the interim injunction which was passed by this Court in I.A.No. 2/2023.

2. Per contra the Learned Counsel for the Respondent / Plaintiff argued that this Court had passed an order in I.A. No. 2/2023 by directing the petitioner/ 4th defendant not to construct any building in the suit property till disposal of the case after taking note of all the relevant facts and circumstances of the case. Further he filed a suit for the relief of partition. Hence any superstructure made thereon pending the suit will definitely cause prejudice to parties concerned and prayed for dismissal of this application.

II. Now point for consideration is whether this petition is allowed?

3. Heard Both sides. Perused Entire records. On careful perusal of records. This Court had passed an temporary injunction in I.A. No.2/ 2023 as directing the petitioner/ 4th defendant not to construct any building in the suit property till disposal of the case after taking note of all the relevant facts and circumstances of the case and there is no appeal was filed by the Respondent / Plaintiff as against the finding of this Court in I.A.No.2/2023. Admittedly this suit was filed for the relief of Partition. Hence any superstructure made thereon pending the suit will definitely cause prejudice to the parties concerned and now the suit is ripened for trial and already this Court had given a finding that the the Petitioner / 4th Defendant should not continue the construction work. Hence taking note of all the facts this

application is dismissed as such.

With this observation this petition is dismissed. No Costs.

Dictated to the stenographer, transcribed and typed out by her, corrected and pronounced by me in open court this 23rd October 2025.

Subordinate Judge,
Palladam.

Fair / Final Order

IA No.5/2025 in OS 248/2023

Date: 23.10.2025