

O.A. No.1239 of 2017 in

C.S.No.705 of 2015

N.SATHISH KUMAR, J.

In a suit for partition, this application is filed by the plaintiff for grant of an order of interim injunction restraining the third defendant /third respondent or his men or agents not to disturb the applicant's/plaintiff's peaceful possession of the suit schedule mentioned property.

2. Admittedly, the parties are brothers and sisters. Plaintiff is the elder brother. In respect of 2/3rd shares of suit properties, already settlement deed has been executed by their mother in favour of the petitioner. Though in a partition suit, injunction cannot be granted, other co-owner administered the residential house in the first floor wherein the plaintiff is in possession. The documents filed in typed set also shows that Family Card also issued in the name of the petitioner and E.B. Card and tax receipts are also filed. Plaintiff has established his peaceful possession. Hence, interim injunction already granted by this Court is made absolute.

3. Post the matter on 20.4.2018 for framing issues.

9.4.2018

Note: Issue order copy on 10.4.2018

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