

O.A.No.933 of 2019
in
C.S.No.604 of 2019

SENTHILKUMAR RAMAMOORTHY.J,

This application is filed by the applicants/plaintiffs for an interim injunction to restrain the respondents from directly or indirectly, alienating or encumbering the suit property pending disposal of the suit.

2. I heard the learned counsel for the applicants and the learned counsel for the respondent.

3. The learned counsel for the applicant submitted that the applicants are sisters and the sole respondent is their brother. She further submitted that the suit schedule properties were acquired either by their father or by their mother and that the Flats F1 and F2 in the schedule suit properties were settled in favour of the first and second applicants respectively. All other properties continued to be in the name of the applicants father or mother.

4. It is further submitted that disputes arose as between the applicants and their parents, on the one hand and the respondent on

the other even during the lifetime of the parents. The mother is stated to have died sometime in the year 2017 and the father sometime in the year 2019.

5. The learned counsel submits that the dispute became aggravated after the death of the parents.

6. In response, the learned counsel for the respondent submits that Flats F1 and F2 were settled exclusively in favour of the applicants herein, whereas there are four other flats in the C schedule property.

7. He further submits that the applicants were illegally running a ladies hostel in one of the 4 flats and that that is one of the root causes of the disputes between the parties.

8. The learned counsel for the respondent also submitted that the respondent has no objection for the partition.

9. In by way of re-joinder, the learned counsel for the applicants submitted that the applicants have no longer running a ladies hostel and that the said flats are now under the occupation of tenants.

10. The submission of the learned counsel was considered and the records were examined.

11. It is clear that this is a suit for partition in respect of the immovable properties of the parents of the applicants and the respondent. Therefore, the said properties would have to be partitioned as between the three legal heirs.

12. Until such partition is effected, it is just and necessary that neither the applicants nor the respondent should alienate, encumber or otherwise dispose of the property and thereby, creating the third party entrance which would jeopardize the partition. Accordingly, the *Prima facie* case is made out for the grant of an interim injunction not only against the respondent, but also against the applicants.

13. Accordingly, this application is disposed of by granting an order of interim injunction restraining both the applicants and the respondent from directly or indirectly alienating, encumbering or otherwise disposing of the schedule property pending disposal of the suit.

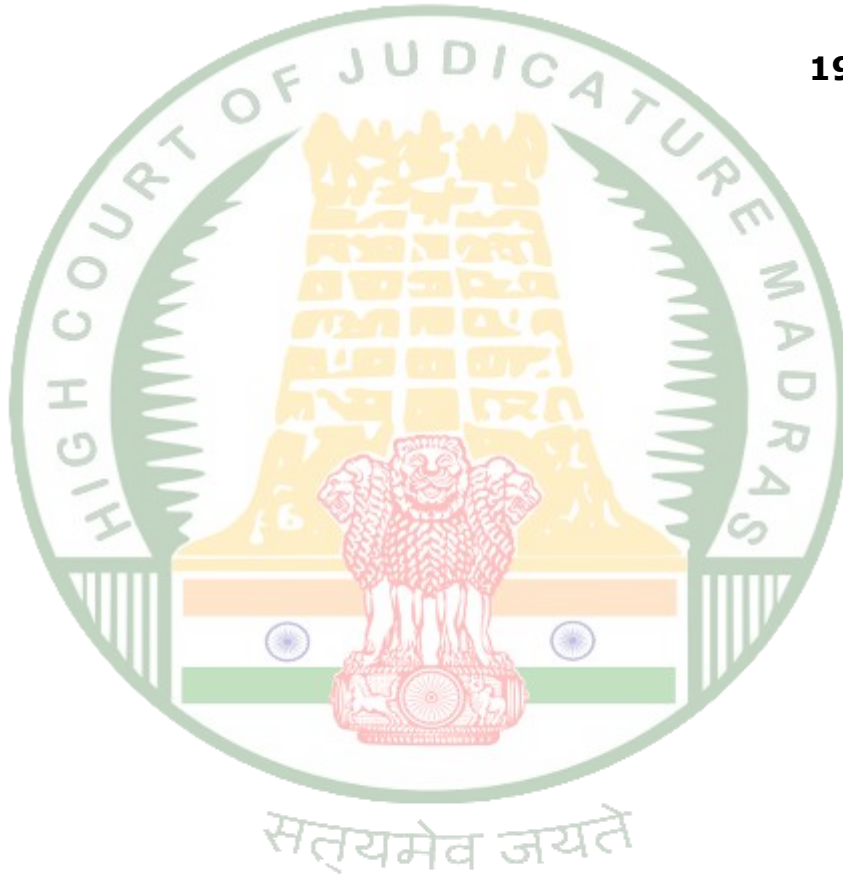
SENTHILKUMAR RAMAMOORTHY.J,

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14. List the main case on 20.01.2020.

19.12.2019

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