



WEB COPY

O.A.No.533 of 2



O.A.No.533 of 2022
in
C.S.No.181 of 2022

C.V.KARTHIKEYAN, J.

The suit had been filed by three sisters against their another sister seeking a preliminary decree to divide the properties mentioned in the schedule to the plaint into four equal parts and to allot one part to each one of the parties.

2. In the plaint, it appears that there are no disputes with respect to the claim for partition for Item Nos.1 to 4. Item No.5 was originally land measuring 4098 sq.ft., at Plot No.21, Aspiran Garden, 3rd Street, Kilpauk, Chennai 600 010. That property has been settled in four equal shares by the mother to the plaintiffs and to the defendant.

3. In this application, an injunction is sought restraining the defendant from dealing with the said property.

4. A detailed counter had been filed by the defendant and in Paragraph No.42, it had been stated as follows:

“42.I willingly agree not to alienate or encumber my portion of the property related to settlement deed 1605/2007 until all properties are settled if the same restraint to alienate and encumber is imposed on all the three plaintiffs also.”



C.V.KARTHIKEYAN, J.

ssi

WEB COPY

5. It is made clear that the plaintiffs cannot interfere with the defendant from enjoying her share of the property. The plaintiffs should not also interfere with the defendant enjoying either the car parking area or the common area of item No.5.

6. The Injunction is sought only with respect to alienating the property. That order also cannot be granted because in the Settlement deed by the mother, the property had not been settled by giving specific boundaries to each one of the three plaintiffs and the defendant.

7. Placing a restriction on the plaintiffs also that they should not interfere with the enjoyment of the possession and the right of the defendant to use the portion under her occupation, I would restrain all the parties from dealing or alienating any of the properties settled in their respective names till the disposal of the suit.

8. Let the parties enter the zone of trial and if possible, try to settle the issues since there is one property and shares are also defined namely four separate shares.

9. With the said observation, the Original Application stands closed.

17.10.2022

ssi

O.A.No.533 of 2022