



C.M.A.No.2626 of 2022
and C.M.P.No.24306 of 2022

N.SESHASAYEE, J.

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The petitioner has laid a suit for partition and has sought an injunction against the defendants seeking to restrain them from putting up a certain construction. The plaintiff, therefore took out an application in I.A.No.34 of 2018 for an order of interim injunction to restrain the defendants from proceeding with the construction.

2.Vide the impugned order, the learned District Judge has dismissed it on the ground that injunction will not lie against a co-sharer. Hence, the plaintiff has preferred this appeal.

3.Learned counsel for the appellant submitted that the learned District Judge has ignored the fact that it is also incumbent on all the co-sharers not to alter the physical feature of the property concerned.



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N.SESHASAYEE, J.

Anu

4.Issue notice to the respondents, returnable by 06.11.2023. Private notice is also permitted. The learned counsel for the appellant is also directed to take notice on the learned counsel for the respondents / defendants before the Tribunal.

5.Post the matter on 06.11.2023.

30.10.2023

Anu

Note to office: Issue order copy on 30.10.2023

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