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O.A.No.504 of 2022, A.No.765 of 2023

O.A.No.504 of 2022
and A.No.765 of 2023
in C.S.No.169 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

By order dated 25.08.2022, an interim injunction was issued to restrain the respondents from, directly or indirectly, altering the physical features of the property described in the schedule to the Judge's summons.

2. Learned counsel for the applicants / plaintiffs submits that the plaintiffs are the absolute owners of the property situated at old Survey No.958, Re-Survey No.3814/Part, present Door No.132, Venkataraman Street, T.Nagar, Chennai - 600 006, ad-measuring an extent of 6,181 sq.ft. the title to the said property is traced from one Arumugha Naicker. Reference is made to the partition deed dated 14.12.1940 registered as Document No.2832 of 1940 on the file of the Sub-Registrar, Mylapore to contend that the property was allotted to the share of the said Arumugha Naicker. The plaintiffs point out that Arumugha Naicker settled the property in favour of his wife, Mrs.Dhanabakiyyam Ammal, under



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settlement deed dated 21.10.1950, registered as Document No.752 of 1950 on the file of the Sub Registrar, T.Nagar. On 11.03.1963, it is stated that Mrs.Dhanabakkiyam Ammal executed a settlement deed gifting the suit property and other properties to her son-in-law, Mr.Thanthoni Naicker. This document was registered as Document No.723 of 1963 on the file of the Sub Registrar, T.Nagar. The plaintiffs are the sons of Mr.Thanthoni Naicker. On 04.01.2013, it is stated that Mr.Thanthoni Naicker executed a settlement deed dated 04.01.2013 and gifted the suit property to his three sons, who are the plaintiffs herein. The said settlement deed was registered as Document No.11 of 2013. Learned counsel points out that all these documents have been placed before the Court.

3. In response, a counter has been filed on behalf of respondents 7, 12, 18 and 41. The said respondents trace title through an allotment order issued by the Tamil Nadu Slum Clearance Board. The respondents have also placed on record documents such as the family ration card, electricity service connection card and identity documents such as the aadhaar card.



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4. On examining the allotment letters from the Tamil Nadu Slum

Clearance Board, there is no indication of the survey numbers or extent of the property. On the contrary, the documents placed on record by the applicants / plaintiffs clearly identify the property over which the applicants have claimed title. Therefore, the applicants have made out a strong *prima facie* case as regards their claims in respect of the relevant immovable property. The relief prayed for is to restrain the respondents from altering the physical features of the property. If the physical features are altered pending adjudication of the suit, it is evident that it would be near impossible to reverse the process. Consequently, the balance of convenience is in favour of the applicants.

5. For the reasons aforesaid, the order of interim injunction issued on 25.08.2022 is made absolute and O.A.No.504 of 2022 is allowed. Consequently, A.No.765 of 2023 is dismissed.

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