



Application Nos. 5686 of 2024 & O.A. No. 116 of 2024
in
C.S.No. 41 of 2024

DR.G. JAYACHANDRAN,J.

The suit is filed for partition claiming that the plaintiff is one of the daughters of Late Lt. Col. M.R. Sathyanesan.

2. This Court, at the time of admission, had granted ad-interim injunction on the impression that the plaintiff is the daughter of Late M.R. Sathyanesan and the said Sathyanesan had died intestate.

3. The above application is now filed to vacate the ad-interim injunction on the ground that there are no materials placed by the plaintiff to *prima facie* make out a case that she is the daughter of Late Lt.Col. M.R. Sathyanesan. Contrarily, there is evidence available to negative the claim of the plaintiff regarding her parentage.

4. After hearing the learned counsel on either side at length, this Court finds that the suit is filed for partition on the premise that the plaintiff is the daughter of Late M.R. Sathyanesan and she is one of his legal heirs to inherit the property along with the defendants. The documents filed along with the plaint are the notice dated 29.04.2024 purported to have been sent to the defendant and the returned envelope cover. Except these two documents, no other documents have been filed along with the plaint under



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Order VII Rule 14(1) of CPC. To grant an order of injunction, there must be *prima facie* case, balance of convenience and irreparable loss. Though this Court had granted ad-interim injunction earlier, after considering the application to vacate the interim injunction and the documents relied on by the plaintiff, this Court is of the view that the plaintiff has not satisfied the triple test for granting injunction. Hence, ad-interim injunction granted by this Court in its order dated 23.02.2024 stands vacated.

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13.11.2024
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