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CMP.No.1758 of 2020

C.M.P.No.1758 of 2020
in
A.S.No.127 of 2020

RMT.TEEKAA RAMAN, J.

This Petition has been filed to grant an order of adinterim injunction restraining the defendants from alienating the 4th item of property which is scheduled in O.S.No.706 of 2009 on the file of the I Additional District Court, Coimbatore, pending disposal of this First Appeal.

2.Heard the learned counsel for the Petitioner and the learned counsel for R1 & R4 to R7.

3.The Plaintiffs filed Suit in O.S.No.706 of 2009 before the I Additional Court, Coimbatore for preliminary decree of partition seeking for 2/8th share. The Defendants filed written statement stating that in respect of item Nos.1 to 3, the Defendants accepted for partition, however, in respect of item No.4 of the schedule of the property, by relying upon the Will dated 01.03.2000, which was marked as Ex.B1, the Defendants 4 & 6 executed a settlement deed in favour of their respective wife's viz., D5 & D7.

4.During trial, on the side of the Plaintiffs, the second Plaintiff was examined as PW1, Ex.A1 to Ex.A5 were marked and on the side of the Defendants, the 6th Defendant was examined as DW1 and Ex.B1 to Ex.B7 were



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marked.

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5. After trial, the trial Court held that the Will dated 01.03.2000 is true and valid and further held that item No.4 is not available for partition. Now, the Petitioners have filed the Appeal against the disallowed portion of item No.4 of the property.

6. In view of the above said circumstances, any alienation made, will be subject result of the Appeal. Accordingly, this Petition is ordered.

23.07.2024

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Dated: 23.07.2024