

A.Nos.824 and 825 of 2016 and O.A.No.398 of 2014
in
C.S.No.225 of 2014

M.M.SUNDRESH, J.

Pending the suit for specific performance, two applications have been filed by the defendants in A.No.824 of 2016 and A.No.825 of 2016.

2.A.No.824 of 2016 has been filed, seeking a direction to the defendants to deposit the advance amount paid by the respondents. A.No.825 of 2016 has been filed seeking a direction to the plaintiffs to bring the title deeds to the file of this court.

3.O.A.No.398 of 2014 is filed by the applicants/plaintiffs seeking an order of injunction restraining the respondents/defendants from creating an encumbrance over the schedule mentioned property apart from putting up any construction.

4.It is submitted by both the counsel that the writ appeal is pending on the proceedings initiated under the Tamil Nadu Urban Land (Ceiling and Regulation) Act. Therefore, the very relief as sought for in the suit is subject to the orders to be passed by the Division

Bench of this Court. A.No.824 of 2016 is for permission to deposit the advance amount paid by the respondents. Learned counsel appearing for the applicants submits that this application need not be pursued further since they does not want this relief. Therefore, the application in A.No.824 of 2016 stands closed.

5.A.No.825 of 2016 has been filed for the direction to the respondents/plaintiffs to bring the title deeds before this Court. This application is not required to be ordered inas much as the title deeds are admittedly with the respondents. Such an order can also be passed at the time of deciding the main suit. Therefore, this application stands closed, making it clear that the respondents shall not use the said title deeds for any other purpose.

6.In O.A.No.398 of 2014, the applicants have alleged that the respondents are attempting to alienate and put up construction in the schedule mentioned property. As discussed earlier, even the respondents do not have title as of now. Even assuming there is any semblance of title, the cloud would get cleared only after getting successful order from the Division Bench.

7. In such view of the matter, the respondents cannot be allowed to create third party interest by creating any encumbrance or putting up construction. Accordingly, it is appropriate that an order should be passed restraining the respondents from alienating or encumbering and putting up any further construction as such an attempt would create unnecessary confusion since the very title deeds are in dispute. It also creates unnecessary third party interest. Accordingly, O.A.No.398 of 2014 stands ordered and there shall be an order of interim injunction, as prayed for. It is made clear that the respondents can also approach this Court for further orders subject to the orders to be passed in the writ appeal.

8. Post the suit for framing issues on 25.11.2016 as the suit is of the year 2014.

11.11.2016

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