

O.A.No.224 of 2016
in
C.S.No.169 of 2016

M.M.SUNDRESH, J.

Seeking an order of interim injunction restraining the respondents from further alienating or encumbering or to deal with the property in any manner whatsoever in respect of the suit property bearing Flat No.H-2, LIG Ground Floor, 55th Street, Ashok Nagar, Chennai – 82, the applicant has come up with this application.

2. There appears to be a dispute between the private parties viz., the applicant being the daughter of the original allottee and the second wife of the original allottee. The second wife, pursuant to the transfer made in her favour, claiming to be the legal representative of the deceased father of the applicant, has in turn, sold the property in favour of third party viz., first respondent/first defendant. The first respondent/first defendant, who has mortgaged the property in favour of the third respondent Bank, committed default. Now, the third respondent Bank wants to proceed against the property mortgaged.

3. In the above said backdrop, this Court is of the view it will be just and proper to allow the third respondent Bank to proceed. This is

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for the reason that there is no privity of contract or any inter se dispute between the Bank and the applicant. However, such an action to be initiated by the third respondent Bank would be subject to the result of the suit. The application stands disposed of accordingly.

4.The defendants shall file written statement within a period of four weeks. Post the suit after four weeks for framing issues.

24.11.2016

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