

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Original Application Nos.980 of 2016
and 63 of 2013
in C.S.No.673 of 2012

1.R.Jayaveerapandian

2.N.Tamizharasan

..Applicants in both applications

Vs

1.L.M.Krishnaswami Nadar

2.R.Mathivanan

3.R.S.Rajan

4.S.Vijayarajan

5.M.Ramasamy

6.Chennai Vazh Kovilpatti Nadar Uravinmurai Sangam

Rep by its President

7.M/s.Crescent Auto Repairs and Services

India (Private) Ltd

Rep by its Director A.K.Abdullah ..Respondent in O.A.No.980 of 2016

1.L.M.Krishnaswami Nadar

2.Chennai Vazh Kovilpatti Nadar Uravinmurai Sangam

Rep by its President

3.M/s.Crescent Auto Repairs and Services

India (Private) Ltd

Rep by its Director A.K.Abdullah ..Respondent in O.A.No.63 of 2013

Applications filed praying to (i) pass an order of injunction restraining the first respondent, his men, agent or anybody claiming through him etc from alienating or in any way encumbering the property at No.43(18/1) Lattice Bridge Road, Adyar, Chennai 600 020 morefully set out in the schedule to the summons, pending disposal of this suit and (ii) to restrain the first respondent herein and his men by a temporary injunction from alienating the suit property to any one pending disposal of the above suit.

For Applicant : Mr.R.C.Paul Kanagaraj
For defendants 1 and 4: Mr.I.Murugan
For defendant 6 : Mr.S.Packiaraj

O R D E R

Heard the learned counsel appearing for the applicants and the learned counsel appearing for the defendants.

2. O.A.No.63 of 2013 is taken out by the applicants / plaintiffs for injunction restraining the first respondent, who is the first defendant in the suit from alienating the suit property pending disposal of the suit. In the said application, notice was ordered and all the respondents were served. However, no counter affidavit has been filed.

3. While so, the very same applicants have filed Application No.980 of 2016 for the very same relief seeking an injunction against the first respondent.

4. The learned counsel appearing for the seventh defendant produced a copy of an order dated 24.02.2012 passed in O.A.No.27 of 2012 in C.S.No.23 of 2012, wherein, this Court had passed an order as follows:-

2. As the suit is one for specific performance, any sale or encumbrance or any dealing of the suit property or any other manner during the pendency of the suit, is subject to lis pendens and is subject to the outcome of the suit and any decree that may be passed herein, is not only binding on the parties of the suit but also on any one claiming through or under the parties.

3. Except this observation, no further order is necessary in this application. With this observation, application is disposed of.

5. The said order also relates to the very same subject matter. In view of the said order, Application Nos.980 of 2016 and 63 of 2013 are closed with the same observations.

16.11.2016

srn

PUSHPA SATHYANARAYANA.J

srn

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<http://www.judis.nic.in>