



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Second day of June Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon`ble Mr.Justice S.S.SUNDAR

CMP (MD) No.4920 of 2016
IN
AS (MD) No.79 of 2016

PRABAKARAN

... PETITIONER/APPELLANT

Vs

KUMARESAN

... RESPONDENT/RESPONDENT

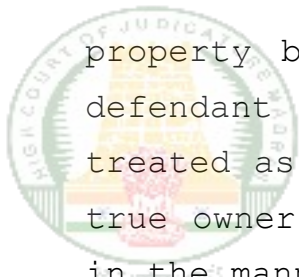
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order granting Interim Injunction restraining the respondent from alienating or encumbering the properties which are the subject matters in OS.No.105/2014 on the file of the II Additional District Court, Trichirapalli, pending disposal of the above AS.(MD).No.79/2016 and thus render justice.

(Encl: Xerox Copy of Schedule of Property)

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. M.V.VENKATASESHAN, Advocate for the petitioner, the court made the following order:-

The plaintiff in the suit for partition, who is the appellant in the accompanying Appeal Suit, filed this civil miscellaneous petition seeking for ad-interim injunction to restrain the respondent from alienating or encumbering the suit scheduled property.

2.Since the plaintiff failed to establish his right of ownership and the consequential right to seek division of the



property before the Civil Court, it goes without saying that the defendant in the suit, the respondent herein, is liable to be treated as a true owner of the suit schedule property. Normally, a true owner cannot be injuncted from enjoying his immovable property in the manner considered appropriate by him.

WEB COPY

3. For the aforementioned reasons, we consider that no case is made out for grant of injunction, as prayed for. Accordingly, this Civil Miscellaneous Petition is dismissed. However, it goes without saying that pending Appeal Suit, being an extension of the Original Suit, any alienation or encumbrance will abide by the result in this appeal.

sd/-
22/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE II ADDITIONAL DISTRICT JUDGE, TRICHIRAPALLI.

+1. C.C. to M/S. M.V.VENKATASESHAN Advocate SR.No. 32524

ORDER
IN
CMP(MD) No.4920 of 2016
IN
AS(MD) No.79 of 2016
Date :22/06/2016

SRM
TE/DB/SAR-I : 28/06/2016 : 2P/3C