

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED 12.01.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. Nos. 2863 and 2864 of 2016
and
CMP.Nos.20714 and 20715 of 2016

S.K.Chandrakumar .. Appellant in both C.M.A.'s/
Petitioner/Plaintiff
versus

1. N.Jayalakshmi
2. S.N.Pangajavalli
3. A.Jayalakshmi
4.S.S.Arumugham

.. Respondents in all C.M.A.'s/
Respondents/Defendants

Appeal filed under Order 43 Rule 1(r) of Civil Procedure Code, against the order and decretal order in I.A.Nos.1221 and 1222 of 2016 in O.S.No.241 of 2013, dated 03.11.2016, on the file of the III Additional District and Sessions Court, Gobichettipalayam.

For appellant : Mr.V.Lakshminarayanan
For respondents : Mr.T.Murugamanickam

C O M M O N J U D G M E N T

The appellant is the plaintiff in O.S.No.241 of 2013 and the respondents are the defendants.

2. The appellant herein filed a suit in O.S.No.241 of 2013, before the District Court, Erode, seeking the relief of specific performance, declaration and injunction.

2.1. The appellant/plaintiff filed a suit for specific performance based on the agreement of sale dated 01.08.2012. Refuting the same, the respondents/defendants filed a written statement.

3. Pending the suit, the appellant/plaintiff filed I.A.No.1221 of 2016 in O.S.No.241 of 2013, before the III Additional District Judge, Gobichettipalayam, seeking injunction restraining the respondents/defendants 1 to 4 from dealing with the suit property in any manner either by creating encumbrances over the suit properties or by any other means till the disposal of the suit.

3.1. He also filed I.A.No.1222 of 2016 in O.S.No.241 of 2013 seeking interim injunction restraining the respondents/defendants 1 to 4 from dispossessing the suit properties from the Plaintiff till the disposal of the suit.

4. The Court below dismissed both the applications, by a common order dated 03.11.2016, holding that the applicant did not prove the enjoyment and possession of the suit property and the issues raised with regard to the validity of the sale agreement, rights to the defendants 1 and 2 to sell a portion of the suit 'B' schedule property and the validity of the sale of suit properties to the 3rd defendant would be decided only after the trial.

4.1. Aggrieved against the dismissal of the applications, the appellant is before this Court.

5. The learned counsel appearing for the appellant submitted that the defendants have forged the documents in order to deprive the benefit of legal rights of the appellant; therefore, the trial Court ought to have ordered status quo.

6. The suit has been filed for specific performance based upon the agreement of sale. Though, the execution of the agreement itself is in dispute, if the properties are allowed to be sold, the very object of the filing of the suit itself will be frustrated and that it would lead multiplicity of proceedings.

7. Under such circumstances, there shall be an order of interim injunction restraining the respondents from alienating the suit property till the disposal of the suit. The interest of the respondents can also be protected by ordering early disposal of the suit.

8. The fact remains that the suit is of the year 2013. Therefore, the trial Court shall dispose of the suit within a period of six months i.e. on or before 30.06.2017 from the date of receipt of a copy of this order.

These Civil Miscellaneous Appeals are disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

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To

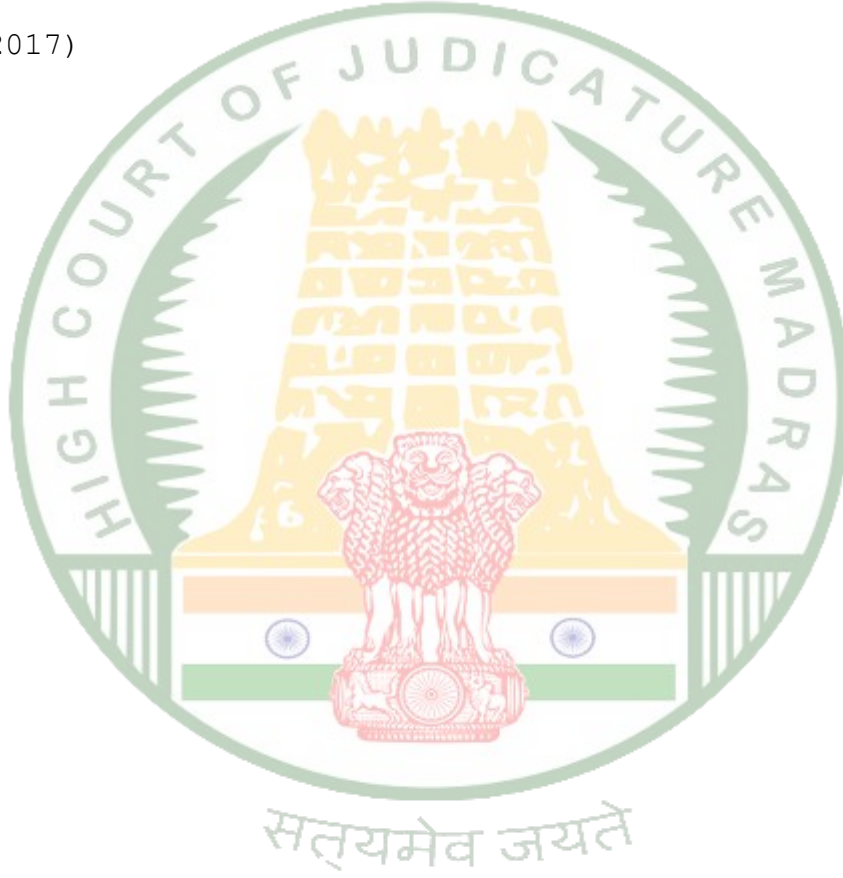
1. III Additional District and Sessions Court, Gobichettipalayam.

+1cc to Mr.V.Raghavachari, Advocate SR.No.3322/17

+1cc to Mr.T.Murugamanickam, Advocate SR.No.3342/17

C.M.A. Nos.2863 and 2864 of 2016

UGI (CO)
GN (22/02/2017)



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