

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

C.M.A.No.3247 of 2014

A.Purushothaman

.. Appellant/Plaintiff

.. Vs..

1.R.Balaji
2.R.Prabhakaran
3.C.R.Sivakumar
4.C.S.Desigan
5.Chandramohan
6.Thanigaivelan
7.T.M.Padrinarayanan

.. Respondents

PRAYER:- Appeal filed under Order 43 rule 1 of the Code of Civil Procedure, 1908, against the judgement and decreetal order of the Principal District Judge, Cuddalore, in I.A.105 of 2014 in O.S.28 of 2014, dated 08.09.2014.

For Appellant : Mr.V.Raghavachari
For R-2 : Mr.Srinath Sridevan
For R-7 : Mr.C.A.Theagarajan

JUDGEMENT

This appeal is against an order dismissing the application in I.A.No.105/2014 in O.S.No.28/2014 seeking interim injunction restraining the respondents from creating any encumbrance over the suit properties.

2.The suit itself was filed in the year 2014 and the application for interim injunction came to be dismissed by the trial Court on 08.09.2014. There has been no interim order pending this appeal. All the counsel represent that the suit itself is ready for trial.

3.In view of the above statement, I do not see any reason to interfere with the conclusions reached by the learned District Judge, Cuddalore.

4.Though Mr.V.Raghavachari, learned counsel appearing for the appellant raises several contentions regarding the procedure adopted by the learned District Judge, Cuddalore, considering the fact the suit itself is for partition and any alienation made pending the suit will be hit by the doctrine of lis pendens. I do not think it is necessary to go into the said contentions.

5. Hence, the appeal is dismissed. The trial Court is directed to dispose of the suit in O.S.No.28/2014 on its file, within a period of three months from the date of receipt of a copy of this judgement, and report such disposal to this Court. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

KP
To

1. The Principal District Judge
Principal District Court,
Cuddalore.

2. The Section Officer, VR Section,
High Court, Madras.

+ 1 cc to Mr. C.A. Theagarajan, Advocate SR.64632
+ 1 cc to M/s. Srinath Sridevan, Advocate Sr.64460
+ 1 cc to Mr. V. Raghavachari, Advocate SR.64262

सत्यमेव जयते

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BR(CO)
EU(10/10/2017)

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