

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Civil Appellate Jurisdiction )

Saturday, the Eleventh day of August Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE R.SUBBIAH

AND

THE HON`BLE MR JUSTICE R. PONGIAPPAN

CMP NO.6791 OF 2018

IN AS.289/2018

BUVANESVARI HOUSING AND LAND [ PETITIONER ]  
DEVELOPERS, REP BY ITS N.GOPALAKRISHNAN,  
DAYAIAN GARDENS, NO.7, ARUMUGAM NAGAR,  
CHINNA PORUR, CH-116

Vs

1 A.P.JAYAPANDIAN [ RESPONDENTS ]  
2 T.VIGNESWARAN  
3 P.ABDUL KHADER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of interim injunction restraining the respondents their men, agents, and servants from in any way encumbering alienating or altering the physical features of the suit property or parting with the peaceful possession of the suit property which is subject of OS.No.117/2010 on the file of the Dist Judge, Kancheepuram pending disposal of the AS.289/2018

**DESCRIPTION OF PROPERTY XEROX COPY ATTACHED**

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.A.IMMANUEL, Advocate for the petitioner and of MR.N.POOVANALINGAM, Advocate for the 2 & 3 Respondents and 1<sup>st</sup> Respondent not appearing either in person or by an Advocate the court made the following order:-

(The Order of the Court was made by R.Subbiah, J)

This petition is filed by the petitioner to grant an order of interim injunction restraining the respondents, their men, agents and servants from in any way encumbering, alienating or altering the physical features of the suit property or parting with the peaceful possession of the suit property, which is subject of O.S.No.117 of 2010 on the file of the District Judge, Kancheepuram, pending disposal of the appeal.

2. The petitioner-Company is the unsuccessful plaintiff in O.S.No.117 of 2010. It has filed the suit for specific performance against the respondents/defendants. The second and third respondents are the subsequent purchasers of the suit property from the first defendant. Pending the present appeal, this C.M.P. is filed for interim injunction as stated above.

3. This petition is opposed by the respondents 2 and 3 by filing counter affidavit. Apart from that, the second respondent has filed an affidavit of undertaking, dated 08.08.2018, stating as follows:

"2. I undertake that I will not alienate the schedule property till the disposal of the main appeal A.S.No.289/2018. I submit that this undertaking affidavit may read as part of the counter affidavit already filed by me in the above petition."

4. Thus, the second respondent has undertaken not to alienate the schedule property till the disposal of the appeal. Hence, while recording the abovesaid undertaking, this C.M.P. is closed.

सत्यमेव जयते -sd/-

11/08/2018

WEB COPY / TRUE COPY /

Sub-Assistant Registrar ( Statistics / C.S. )  
High Court, Madras - 600 104.

TO

1 THE DISTRICT JUDGE,  
KANCHEEPURAM.

C.C. to M/S.A.IMMANUEL Advocate Sr.No.9609

+ 2 C.C. to MR.N.POOVANALINGAM, Advocate Sr.No.9558

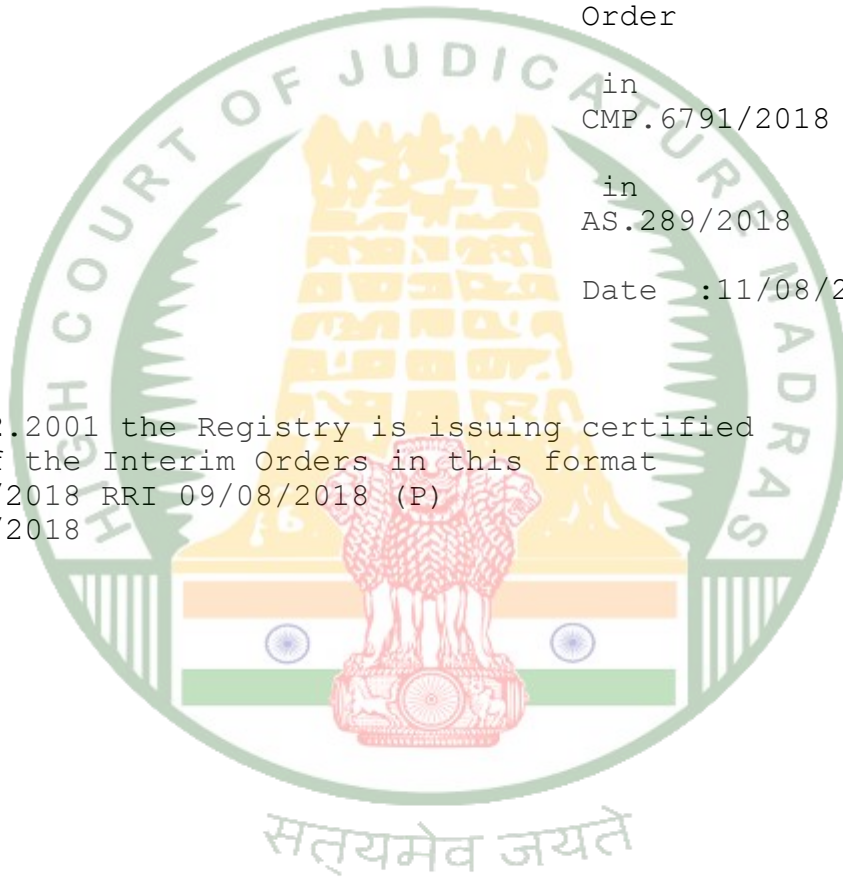
Order

in  
CMP.6791/2018

in  
AS.289/2018

Date :11/08/2018

From 26.2.2001 the Registry is issuing certified  
copies of the Interim Orders in this format  
RRI 27/07/2018 RRI 09/08/2018 (P)  
RRI 24/08/2018



WEB COPY