

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 19th DAY OF APRIL 2018

THE HON'BLE MR. JUSTICE N.SATHISHKUMAR

O.A. No.745 of 2017

in

C.S. No.540 of 2017

Dr.Christiana Jaya Shobana Jayapaul,
D/o.late Dr.A.Jayapaul,
W/o.Mr.R.Suresh,
Ritz Grove Apartments,
Flat No.2C, Door No.34/87,
Mylappa Street, Ayanavaram,
Chennai-600 023.

... Applicant/Plaintiff

-Versus-

1. Babiola Marie Jayasree,
W/o.late Dr.A.Jayapaul,

2. Dr.Regina Jaya Shalini,
D/o.late Dr.A.Jayapaul,

3. Mr.Stephen Jaya Pradeep,
S/o.late Dr.A.Jayapaul,
1 to 3 are at No.123, Ragavan Street,
Perambur, Chennai-600 011.

... Respondents/Defendants

Original Application praying that this Hon'ble Court be pleased to issue an order of interim injunction, restraining the respondents, their men, agents, or any person acting under them from in any manner, dealing with, alienating or encumbering applicant's 1/4th share in the suit schedule properties pending disposal of the suit.

This Original Application coming on this day before this court for hearing the court made the following order:-

This application has been filed by the applicant for interim injunction restraining the respondents from alienating

or encumbering her share in the suit property along with an affidavit stating that in the event of she permitted to occupy the second schedule property, she will not claim any right, whatsoever, in the suit property, pending disposal of the suit.

2. Though the plaintiff filed an affidavit before this Court, the counsel appearing for the respondent had shown photographs showing the applicant with help of some lawyers and hooligans broke open the lock of the premises, despite the keys were directed to be handed over before the Court.

3. The counsel appearing for the applicant could not say anything about the photographs shown in the Court. According to him, only the other side had entered into the premises with the help of lawyers and in this regard a complaint has also been filed before the police and at that time, the photographs were taken.

4. In view of the above facts, when both sides try to have control over the property using service of extra judicial methods, I am of the view that no one should be allowed to have control over the property till the disposal of the suit and the permission sought by the applicant is rejected.

5. In respect of other properties, the learned counsel for the respondents submitted that their clients have no intent to

create encumbrance or alienate the property. The submission of the learned counsel is recorded.

6. In view of the above facts, there shall be an order of interim injunction restraining the respondents from alienating or encumbering the first item of the suit schedule property, pending disposal of the suit. As far as the second item of the suit property is concerned, the second item of the property shall be kept locked till the disposal of the suit.

Sd/- N.S.K.J
19/04/2018

//Certified to be true copy//

Dated at Madras this the day of 2018.
JJ 05/06/2018

COURT OFFICER(O.S.)

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