

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Civil Appellate Jurisdiction )

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE R. SUBRAMANIAN

CMP No.11700 of 2018

IN SA.627/2009

GHOUSUNNISA BEGUM

[ PETITIONER ]

Vs

1 AMANULLAH

[ RESPONDENT ]

S/O. MOHIDEEN KHAN. ALL ARE AT 59  
MUKTHARUNNISSA BEGUM STREET MOUNT ROAD  
CHENNAI 600 002

2 MINOR SHOHAIB KHAN

S/O. AMANULLAH,

3 MINOR SAHISTHA ANJUM

D/O. AMANULLAH, MINORS 2&3 REP. BY THEIR  
FATHER AND NATURAL GUARDIANMR. AMANULLAH.  
ALL ARE AT NO.59 MUKTHARUNNISSA BEGAM ST,  
MOUNT ROAD, CHENNAI-600 002.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

To direct transmitting of the orders dated 03.07.2009 and 26/11/2009 passed in M.P.No. 1/ of 2009 to the office of the SRO Triplicane for being entered into his records in CMP No.11700 of 2018.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.KUBERAN, ADVOCATE FOR M/S. RANK ASSOCIATES, Advocate for the petitioner and Respondent not appearing either in person or by on advocate the court made the following order:-

This application has been taken out for transmitting the orders dated 03.07.2009 and 26.11.2009 passed in M.P.No.1 of 2009 to the Office of Sub-Registrar, Triplicane for being entered into his records.

2. M.P.No.1 of 2009 was filed for the following relief:

*"This Hon'ble Court may be pleased to pass an order staying the operation of the judgment and decree dated 12.09.2008, passed by the Hon'ble Additional District and Sessions Court, Chennai (Fast Track Court No.II, Chennai) in A.S.No.433 of 2004, pending disposal of the appeal."*

The interim stay of operation of the judgment and decree dated 12.09.2008 was granted by this Court on 03.07.2009 and the same was made absolute on 26.11.2009.

3. Mr.Kuberan, learned counsel appearing for the petitioner would submit that unless this order of stay of operation of the judgment in appeal is communicated to the Sub-Registrar, the respondents are likely to alienate the property. Therefore, he would seek an order to communicate the order of stay granted by this Court to the Sub-Registrar.

4. I do not think, that such a prayer could be granted. The suit filed by the appellant was dismissed as early as on 24.06.2004. The appropriate relief that will be open to the appellant is to seek an injunction restraining the respondent from alienating the property, pending disposal of the appeal. Moreover, there is no provision in the Registration Act which enables the Sub-Registrar to make entry of the order of stay, that too of the dismissal of the suit in his books, so as to prevent further alienation.

5. Hence, this application is dismissed. However, it is made clear that any alienation made will be subject to the result of the suit.

-sd/-

27/07/2018

/ TRUE COPY /

Sub-Assistant Registrar ( Statistics / C.S. )

High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT  
AND SESSIONS COURT CHENNAI (FAST TRACK  
COURT NO.II, CHENNAI.

2 THE REGISTRAR  
CITY CIVIL COURT AT CHENNAI.

C.C. to M/S. RANK ASSOCIATES Advocate on payment of necessary charges

Order

in  
CMP.11700/2018

in  
SA.627/2009

Date :27/07/2018

From 26.2.2001 the Registry is issuing certified  
copies of the Interim Orders in this format  
VC (02/08/2018)



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