



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fifth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.10282 of 2017
IN
AS(MD) No.177 of 2017

V.CHAKRAVARTHY

... PETITIONER/PETITIONER

Vs

1 SELVI

2 MINOR DEVA DHARIKA

3 MINOR SARAVANAVEL

(2 and 3 MINORS ARE REPRESENTED BY their
MOTHER AND NATURAL GUARDIAN SELVI,
the 1st DEFENDANT)

... RESPONDENTS/RESPONDENTS

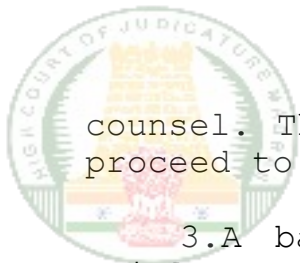
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant AD INTERIM INJUNCTION restraining the respondents and their men servants or agents in alienating or encumbering the suit properties, which is the subject matter of the suit in O.S.No. 18 of 2014 on the file of the Principal District Court, Trichy, pending disposal of the appeal.

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.V.RAGHAVACHARI, Advocate for the petitioner and of respondent not appearing either in person or by an Advocate, the court made the following order:-

(Order of the Court was made by K.RAVICHANDRABAABU,J)

The unsuccessful plaintiff in a suit for specific performance is the appellant before this Court. Pending disposal of the appeal, the appellant seeks for interim injunction restraining the respondents from alienating or encumbering the suit property.

2. Though notice was served on the respondents, they have not chosen to appear before this Court either in person or through their



counsel. Their names are also printed in the cause-list. Hence we proceed to decide the present interim application as hereunder:

3.A bare perusal of the judgement and decree passed by the trial Court does not show any prima facie case in favour of the appellant for the grant of interim injunction as sought for, more particularly, in view of the specific finding rendered in respect of Ex.C2-Advance Receipt, showing that the same is not a true document. Though the plaintiff also prayed for refund of the advance amount, in case, if he fails to succeed in getting the relief of specific performance, the trial Court has not granted any decree to that effect and the suit was dismissed in toto. Therefore, we do not find any prima facie case of grant of any interim relief.

4.Accordingly, this Miscellaneous Petition is dismissed.

sd/-
05/04/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE PRINCIPAL DISTRICT JUDGE
TRICHY

ORDER
IN
CMP (MD) No.10282 of 2017
IN
AS (MD) No.177 of 2017
Date :05/04/2018

SMA/PN/SAR-4/10.04.2018:2P/2C