



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.898 of 2018
IN
SA(MD) No.411 of 2016

1 MOHAMED SULTHAN
2 ABDUL RAHIM

... PETITIONERS/6th & 7th RESPONDENTS

Vs

1 M.P.MOHAMMED IBRAHIM
2 A.HAWWA AMMAL
3 ZUBAITHAMMAL
4 A.JURNROTHAMMAL
5 M.SHARAMMAL
6 RAHILAJAN
7 MEHARUNNISSA BEGAM

(APPELLANTS 2 TO 7 ARE REP.BY POWER AGENT

M.P.MOHAMMED IBRAHIM)

... RESPONDENTS/APPELLANTS

J.AYSHAMMAL (DIED)
8.A.SOWDAN BEEVI
9 M.FATHIMA BEEVI
10 A.JAFFAR SADIQ
11 MOHAMED TAMEEM
12 MOHAMED IQBAL

... RESPONDENTS/1 TO 5th RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of Interim Injunction restraining the respondents / appellants No.1 to 7 herein from alienating and making other encumbrance from the subject matter of the suit properties in OS.No.87 of 1985 pending disposal of the above said Second Appeal.

Prayer in SA(MD) . 411/ 2016 :

To set aside the Judgment and Decree passed by the learned II-Additional District and Sessions Judge, Thanajavur dated 3.12.2014 made in A.S.No.25 of 2004, confirming the Judgment and Decree made in O.S.No.87 of 1985 dated 26.2.2003 by the learned Principal Subordinate Judge, Kumbakonam.

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.G.GOMATHI SANKAR, Advocate for the petitioners and of MR.K.K.SENTHILVELAN, Advocate on behalf of the Respondents the court made the following order:-



This petition is filed to grant an order of Interim Injunction restraining the respondents/appellants 1 to 7 herein from alienating and making other encumbrance over the subject matter of the suit properties in O.S.No.87 of 1985.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents.

3. The appellants represented by the first appellant has filed an affidavit of undertaking that he will not alienate the suit properties which are the subject matter of the Second Appeal in S.A.No.411 of 2016.

4. It is clarified by the learned counsel for the respondents/appellants that the undertaking can be taken as the undertaking by all the appellants. Hence, recording the undertaking given by the appellants that they will not alienate or encumber the suit properties in O.S.No.87 of 1985, this petition is closed.

sd/-
28/02/2018

/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR

2 THE PRINCIPAL SUBORDINATE JUDGE,
KUMBAKONAM

+1. C.C. to M/S.G.GOMATHI SANKAR Advocate SR.No.3276

ORDER
IN
CMP(MD) No.898 of 2018
IN
SA(MD) No.411 of 2016
Date :28/02/2018

MKV-PM-PN-SAR 2/8.3.2018/2P-4C