

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.1162 OF 2018

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant. We have also heard the learned Government Pleaders for Revenue and Home and the learned counsel appearing for respondent No.7.

2. The writ appeal is against an interlocutory order passed in the course of writ petition instituted by the appellant.

3. The 7th and the 8th respondents are couple. Respondent Nos.9 to 11 are related to them. Owing to matrimonial disputes, there are proceedings between respondent Nos. 7 and 8. That led to distress action over an item of property. The writ petition was instituted by the appellant claiming that he holds a contract for sale of part of property and has also paid up the consideration for such transaction. On this premise, he moved the learned Single Judge for relief against further distress action against the property. Through the impugned interlocutory order, the learned Single Judge has permitted the auction to be continued today, however, deferring the confirmation of the auction for the time being.

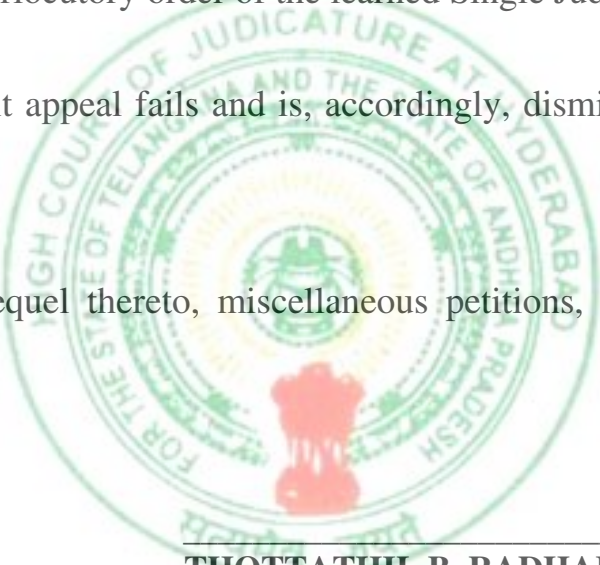
4. The quality of rights that the appellant can claim on the basis of a contract for sale as distinguished from contract of sale in terms of the Transfer of Property Act stand advising us that there is no

crystallized title to the property which can be agitated to claim preferential consideration or treatment for the petitioner over and above the right of the 7th respondent to enforce judicial order which was issued by the competent authority in her favour. The impugned interlocutory order has been issued by the learned Single Judge advertent to and considering the requisite facts and factors germane for consideration at the stage of issuance of an interlocutory order.

5. We do not find any jurisdictional error or illegality in the impugned interlocutory order of the learned Single Judge.

6. The writ appeal fails and is, accordingly, dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

29th August, 2018

Stp/Lrkm

