

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

and

THE HON`BLE MR.JUSTICE C.SARAVANAN

CMP No.14100 of 2018

in OSA.No.299 of 2018

P.M.ELAVARSAN

[PETITIONER]

Vs

1 MR.V.V.V.NACHIAPPAN

[RESPONDENTS]

2 N.VELAPPAN

3 A.NACHAMMAI

4 N.NARAYANAN

5 S.VALLIAMMAL

6 N.DEVARAJAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of interim injunction restraining the 1 to 6 respondent herein from undertaking any construction / modification of any nature in the suit property in CS.No.377/2017 (in CMP.No.14100/2018) pending disposal of the above OSA.No.299/2018.

SCHEDULE XEROX COPY ATTACHED

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.VIJAYSHANKAR, 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 **M.M.SUNDRESH, J**)

Despite service of notice and the name of the respondent having been printed in the cause list, there is no representation on behalf of the respondent.

2.The defendant has filed the appeal, challenging the decree granted, by which, the suit was dismissed through rejection of plaint. Inasmuch as the suit itself has been dismissed and coupled with the fact there was no indication of any interim order, pending suit, this petition stands dismissed. However, it is made clear that any alienation, encumbrance or construction by the respondent will be subject to the result of the appeal.

-sd/-

03/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUB ASST. REGISTRAR,
ORIGINAL SIDE, HIGH COURT,
CHENNAI-104

C.C. to M/S.V.VIJAYSHANKAR Advocate on payment of necessary charges

Order

in

CMP.14100/2018

in OSA.No.299/2018

Date :03/04/2019

From 26.2.2001 the Registry is issuing certified copies of the Interim Orders in this format
KP(09/04/2019)

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