

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Eighth day of August Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESAVALU

WMP No.17265 of 2019

IN WP.17861/2019

P.SOUNDARARAJAN

[PETITIONER]

Vs

1 THE INSPECTOR GENERAL OF [RESPONDENTS]
REGISTRATION, SANTHOME HIGH ROAD,
MYLAPORE, CHENNAI -4.

2 THE DISTRICT REGISTRAR,
CHENNAI NORTH, KURALAGAM, CHENNAI 108.

3 THE SUB REGISTRAR,
SEMBIUM, CHENNAI -11.

4 P.BASKARAN,

5 MRS. M.NARASAMMA,

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of interim injunction, restraining the 4th Respondent or his men or agent or any other person claiming through him from in any way withdrawing the deposit of amount of Rs.10,00,000/- along with interest in the credit of O.S.No.5 of 2009 on the file of the III Addl. District Judge, Fast Tract II, Poonamallee, Chennai, (WMP.17265/2019) pending disposal of the above WP.17861/2019

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.A.RAMALINGAM, Advocate for the petitioner and of MR.T.M.PAPPIAH, SPECIAL GOVERNMENT PLEADER on behalf of the 1 to 3 Respondents and of MR.M.NAGASUBRAMANIAN, Advocate for the 4th Respondent the court made the following order:-

Heard Mr. A. Ramalingam, Learned Counsel for the Petitioner, Mr. T.M. Pappiah, Learned Special Government Pleader for the First to Third Respondents and Mr. M. Nagasubramanian, Learned Counsel for the Fourth Respondent.

2. The Petitioner, as the owner of the property situated at F-38, Thanikachalam Nagar, West II Cross Street, Ponnammedu, Chennai-600110 comprised in S.F. No. 1181/2B, measuring to an extent of 2160 sq. ft in Madhavaram Village Taluk, Tiruvallur District entered into an agreement for sale of that property with the Fourth Respondent, who had instituted the suit in O.S. No. 5 of 2009 before the III Additional District Judge, Poonamallee for specific performance of that contract, which was decreed on 17.09.2010. The Fourth Respondent is said to have deposited a sum of Rs.10,00,000/- in that Court in pursuance of that decree and thereafter, he entered into an agreement for sale on 30.11.2010 with the Fifth Respondent registered as Document No. 9927 of 2019 in the office of the Third Respondent. The Petitioner had filed an appeal in A.S. No. 424 of 2012 before this Court, which was allowed by order dated 07.09.2017 passed by this Court.

3. Since the Third Respondent has refused to register the decree passed by this Court that was presented by the Petitioner on the ground that it is beyond the limitation prescribed under Section 33 of the Registration Act, 1908, the Petitioner has filed this Writ Petition.

4. In this Miscellaneous Petition, the Petitioner has sought for an order of interim injunction restraining the Fourth Respondent from in any way withdrawing the aforesaid deposit of the sum of Rs.10,00,000/- along with interest to the credit of O.S. No. 5 of 2009 on the file of the III Additional District Judge, Poonamallee, Chennai during the pendency of this Writ Petition. As the aforesaid interim order sought by the Petitioner travels beyond the scope of the relief sought in the Writ Petition, there is no justification for the same and accordingly, the earlier order dated 27.06.2019 stands vacated.

5. This Petition is dismissed.

सत्यमेव जयते -sd/-

08/08/2019

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

TO

1 THE INSPECTOR GENERAL OF
REGISTRATION,, SANTHOME HIGH ROAD,
MYLAPORE, CHENNAI -4.

2 THE DISTRICT REGISTRAR,
CHENNAI NORTH, KURALAGAM, CHENNAI 108.

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE SUB REGISTRAR,
SEMBIUM, CHENNAI -11.

4 THE III ADDL. DISTRICT JUDGE,
FAST TRACT II, POONAMALLEE, CHENNAI,

C.C. to M/S.A.RAMALINGAM Advocate

C.C. The Government Pleader, High Court, Chennai

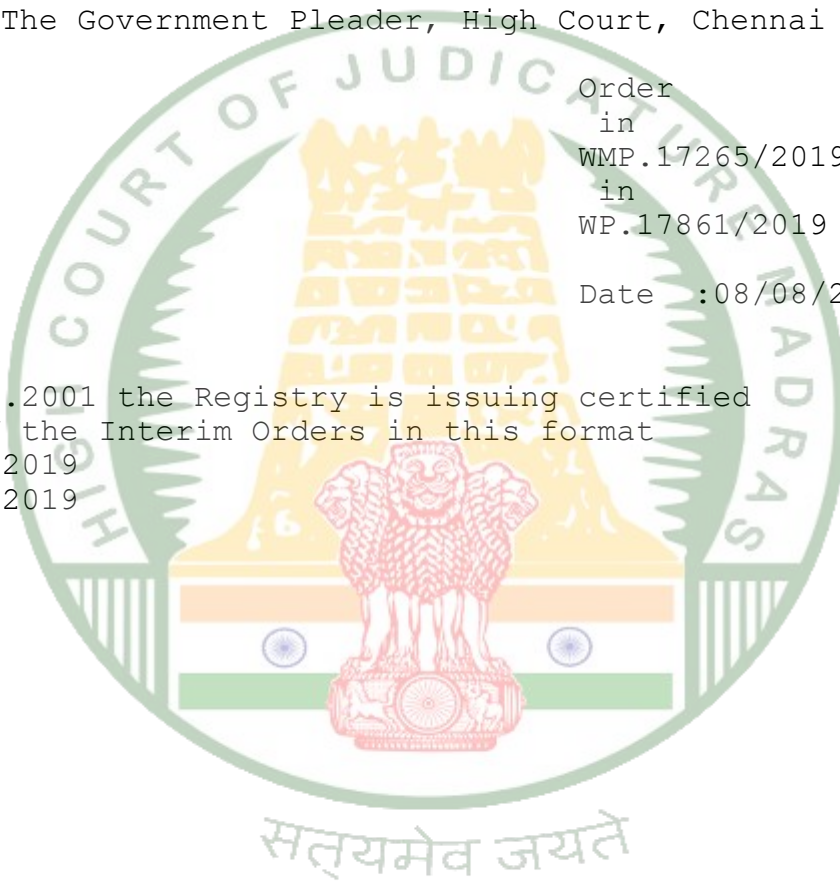
Order
in
WMP.17265/2019
in
WP.17861/2019

Date :08/08/2019

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RRI 04/07/2019

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