

**O.A.No.284, 285 of 2020 in
C.S.No.175 of 2020**

N. SATHISHKUMAR, J.

These applications have been filed for interim injunction restraining the respondent from alienating or create encumbrance over the suit property and also from handing over the possession of the suit property to the third party, pending disposal of the suit.

2. Without going to the merits of the case, this court is of the view that since the suit has been filed for specific performance based on the registered documents, the relief of injunction cannot be used as sword. Admittedly, possession of the suit property is not within the applicant/plaintiff. It appears from the submission made by the counsels and also from the materials on record that the property has already been mortgaged in favour of the plaintiff by way of depositing title deeds, which are also registered. Such view of the matter, this court is of the view that a blanket order of injunction cannot be granted. However, taking into account the fact that the mortgage deed has been executed in favour of the plaintiff, which is also not disputed by the

plaintiff, this court directs that both the parties shall not create any further encumbrance over the property. However, the induction of the new tenants and the possession of the respondent/defendant shall not be disturbed by the applicant/plaintiff.

3. With the above observation, the original applications in O.A.No.283 and 284 of 2020 are closed.

4. Post the Civil Suit on 23.11.2020 for filing written statement.

14.10.2020

mst



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