

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Second day of November Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice S.S.SUNDAR

CMP No.9223 of 2020

in AS 797 OF 2020

SENTHILNATHAN

[PETITIONER]

Vs

1 DEVAKI AMMAL

[RESPONDENTS]

2 VIJAYALAKSHMI

3 VENKATESWARI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant temporary injunction restraining the respondents his men, agents and servants in any way alienating or encumbering the suit properties being the subject matter of the Judgement and Decree dated 24.07.2020 in O.S.108/2015 on the file of the Learned Additional District Judge, (Fast Track Court), Villupuram pending disposal of the AS No.797/2020.

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.N.SURESH, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

This petition is filed for temporary injunction restraining the respondents in any way from alienating or encumbering the suit properties which is the subject matter of this appeal.

2. The petitioner is the son and the first respondent is the mother. It is submitted by the learned counsel for the respondent that the mother had already settled the properties in favour of her daughters and the settlement is not challenged by the petitioner. Section 52 of the Transfer of Property Act protect the rights of litigants against alienation pending suit or appeal and hence, the right of the petitioner is fully protected under Section 52 of Transfer of

Property Act. However, to avoid multiplicity of proceedings, this Court is inclined to dispose of this petition with the following lines:

i. This petition is disposed of with a direction to the respondents to specify the pendency of this appeal in the document itself if they propose to alienate the property.

ii. The purchaser or anyone dealing with the property with the respondents shall be duly informed by personal communication which should be referred to in the document.

-sd/-

02/11/2020

/ TRUE COPY /

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

TO

THE ADDITIONAL DISTRICT COURT
FAST TRACK COURT, VILLUPURAM

Order

in

CMP.9223/2020

in

AS 797/2020

Date : 02/11/2020

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SJM 20/11/2020

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