

O.A.Nos.755 & 756 of 2019**N. SATHISH KUMAR, J.**

These applications have been filed seeking for interim injunction restraining the respondents from causing any alienation, encumbrance of any kind including leasing out the flats in the building in Old Door No.21, New Door No.61, Oliver Road, Mylapore, Chennai – 600 004 and also restraining the respondent from acting as power of attorney of the applicant under Doc.No.2767 and 6768 of 2013 dated 19.09.2013 on the file of Sub Registrar, Mylapore.

2.The learned counsel for the respondent would submit that the respondent clearly stated in paragraph No.3 of the counter affidavit and the respondent has given undertaking which reads as follows:

3.In so far as the O.A.No.755 of 2017 is concerned, it is submitted that the project which arose out of a Joint Development Agreement dated 19.09.2013 entered into between the parties to the lis, six apartments were built out of which three apartments were sold, and the construction of remaining three apartments, which exclusively fell to the share of the Applicant, has been completed and the flats are ready for delivery as early as from October 2015. However, the Applicant has not chosen to take delivery of those apartments till date. In the circumstances, the other three Flats having been sold to third parties, the question of granting any interim injunction affecting their property rights does not arise for consideration at all. Further, it is submitted

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that the respondent herein cannot deal with the remaining three Flats which are available to the Applicant as his share and therefore, there is no necessity for grant of any injunction with reference to the remaining three flats also.

3.It is stated that three flats have already been sold and the respondents herein cannot deal with the remaining three flats. Similarly, it is also admitted in paragraph No.4 that he will not use the Power of Attorney and the interim orders restricted only for three flats which remain unsold and also the Power of Attorney in respect of the said flats. There shall be an order interim injunction till 27.03.2020 restraining the respondents in respect of the above three flats.

4.Notice to the respondents returnable by 27.03.2020. Private notice is also permitted.

13.03.2020

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