



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Eighteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.6613 of 2019

IN

AS(MD) No.122 of 2019

K. LATHA

... PETITIONER/APELLANT

Vs

1 K.DEVI

2 K.KANNAN

3 T.AMUTHA

4 M.SAVITHA

5 E. VASANTHI

6 K.BHUVANESWARI

... RESPONDENTS/RESPONDENTS

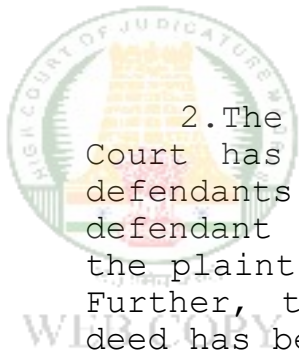
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim Injunction restraining the respondents from alienating or encumbering the suit properties to any one being the subject matter in OS No.75 of 2013 on the file of the VI Additional District Judge, Madurai, pending disposal of appeal and thus render justice.

Prayer in AS(MD). 122/ 2019 :

Pleased to call for the records in OS No.75 of 2013 on the file of VI Additional District Judge, Madurai and set aside the lower court judgment and decree dated 08.01.2019 passed in OS No.75 of 2013 by the learned VI Additional District Judge, Madurai by allowing the appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.KADARKARAI, Advocate for the petitioner and of MR.R.SURIAYANARAYANAN, Advocate on behalf of the Respondents the court made the following order:-

This application has been filed to grant an order of interim injunction, restraining the respondents from alienating or encumbering the suit property, pending the disposal of the appeal.



2.The suit has been originally filed for partition. The trial Court has dismissed the suit holding that the plaintiff and the defendants 3 to 6 have executed release deed in favour of the first defendant in the year 2008. The above fact is also suppressed in the plaint. Subsequently, it was incorporated by way of amendment. Further, the trial Court has also clearly found that the release deed has been executed by the plaintiff.

3.In view of the same, this Court is of the view that no such injunction order is required at this stage. If at all the appellant succeeds this appeal, any sale made could be subject to the result of the appeal.

4.Accordingly, this application is dismissed. Post the appeal on 10.03.2020 for argument.

sd/-

18/02/2020

/ TRUE COPY /

/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE VI ADDITIONAL DISTRICT JUDGE, MADURAI.

+1 CC to M/s.S.KADARKARAI, Advocate (SR-3346[I] dated 18/02/2020)
+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-3368[I] dated 18/02/2020)

ORDER

IN

CMP(MD) No.6613 of 2019

IN

AS(MD) No.122 of 2019

Date :18/02/2020

Myr

AE/PN/SAR-IV (25.02.2020) 2P 4C