



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the First day of December Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE S.S.SUNDAR

CMP.No.3363 of 2020

IN AS.No.838 of 2018

RAGHUPATHY

[PETITIONER]

Vs

1 PERUMAL G.JAYASHANKAR

[RESPONDENTS]

2 GNANASOUNDARI

3 SHANKARANAYARANAN

4 SANTHI

R2 TO R4 REPRESENTED BY POWER AGENT

R.MURTHI S/O RAMASAMY

NO.69, 13TH CROSS STREET,

INDIRA NAGAR, CHENNAI 600020.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the stay granted in CMP.No.22034 of 23034 of 2018 in A.S.No.838/2018 dated 17-12-2018.(IN CMP.No.3363/2020)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.MUTHAPPAN, Advocate for the petitioner and of MR.A.THIYAGARAJAN, Advocate for the 1st Respondent and of Respondents 2 to 4 not appearing either in person or by an Advocate, the court made the following order:-

- (1) The present petition is filed by the 1st defendant in the suit in OS.No.11977/2010 seeking to vacate the injunction granted by this Court earlier in CMP.No.22034/2018 in AS.No.838/2018.
- (2) This Court, vide order dated 01.11.2021, granted an order of injunction restraining the respondents therein from in any way dealing with the suit 'B' Schedule Property which is the subject matter of the suit in OS.No.11977/2010 on the file of the learned 18th Additional Judge, City Civil Court, Chennai.



(3) The appellant in the Appeal Suit is the plaintiff in the suit which was filed for declaration of title and for recovery of possession. Hence, possession of the respondent in the Appeal is admitted.

(4) The grievance of the appellant/plaintiff is that the defendant would alienate the suit ''B'' Schedule property which is the subject matter of the suit as well as the appeal.

(5) The learned counsel for the petitioner herein/1st defendant submitted that the defendants give an undertaking that they will not alienate or deal with the property. It is further stated that the interim order as well as the present petition seeking to vacate of the said interim order is with reference to the suit ''B'' Schedule property.

(6) Recording the undertaking the injunction granted earlier, is vacated and CMP.No.3363/2020 is **ordered**.

(7) The undertaking of the learned counsel for the petitioner/1st defendant is recorded as if it is the undertaking given by the parties themselves. It is made clear that the defendants shall not deal with the property by encumbering or alienating the same for any purpose.

-sd/-

01/12/2021

/ TRUE COPY /

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

TO

THE XVIII ADDITIONAL JUDGE,
CITY CIVIL COURT, CHENNAI.

C.C. to M/S.M.MUTHAPPAN, Advocate SR.NO. 6991/2021.

C.C. to MR.A.THIYAGARAJAN, Advocate SR.NO. 6992/2021.

Order
in
CMP.No.3363 of 2020

IN AS.No.838 of 2018

Date :01/12/2021

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TP (06/12/2021)

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