

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Fourth day of June Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

and

THE HON`BLE MS JUSTICE R.N.MANJULA

CMP.Nos.7020 & 7807 of 2020

in AS.Nos.514 & 589 of 2020

M/S.NOOHU ABDUL CADAR HOILINDGS [PETITIONER IN BOTH THE
(P) LTD., REP. BY ITS DIRECTOR PETITIONS]
MR. KHALID A.K.BUHARI
M.K.M.CHAMBERS THIRD
FLOOR, NO.42, KODAMBAKKAM HIGH ROAD,
NUNGAMBAKKAM CHENNAI 34.

Vs

1 R.RAJALAKSHMI [RESPONDENTS IN BOTH THE
2 DR.MRS.SARASABARATHI PETITIONS]
3 MS.R.VIJAYALAKSHMI

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i)to an order interim stay of the decree passed in O.S.No.4632/2019, decree date 02.11.2019 passed by the Learned XVII Additional City Civil Judge, Chennai(in CMP.No.7020/2020) pending disposal of the above AS.No.514/2020 and

(ii)to an order interim stay of the decree passed in O.S.No.4632/2019, decree date 02.11.2019 passed by the Learned XVII Additional City Civil Judge, Chennai(in CMP.No.7807/2020) pending disposal of the above AS.No.589/2020

Order : These petitions coming on for orders upon perusing the petition and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.S.A.RAJAN, Advocate for the petitioner in each the petitions and of M/S.G.KALYAN JHABAKH Advocate for the 1 to 3 respondents in both the petitions the court made the following order:-

[Order of the Court was made by M.M.SUNDRESH, J.]

Challenging the judgment and decree rendered by the trial Court, both the parties have come up with the appeals.

2. A.S.No.514 of 2020 has been filed by the plaintiff and A.S.No.589 of 2020 has been filed by the defendant.

3. The suit has been filed for specific performance. The trial Court has directed the defendant to return the amount while declining the relief of specific performance.

4. Upon hearing both sides, we are inclined to pass the following order in these petitions:

(i) the defendant in the suit being the appellant in A.S.No.589 of 2020 shall not alienate or encumber the suit property till the disposal of the appeal and

(ii) there shall be an order of interim stay of the decree granted by the trial Court with respect to the payment directed to be made.

5. The miscellaneous petitions are ordered accordingly.

6. Taking into consideration the issue involved, post the appeals for final hearing on 07.09.2021.

-sd/-

24/06/2021

/ TRUE COPY /

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

TO

1 THE REGISTRAR,
CITY CIVIL COURT, CHENNAI.

CC to M/S.SURANA & SURANA, Advocate Sr.No.3500

Order

in

CMP.Nos.7020 & 7807 of 2020

in AS.Nos.514 & 589 of 2020

Date :24/06/2021

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KP(13/07/2021)