

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 9TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

O.A.No.581 of 2020
in
C.S.No.306 of 2020

Arvind Bagrecha,
aged 41 years,
S/o.Madanlal Bagrecha
No.153, Vellala Street,
Purasawakkam, Chennai-600 084.

:Applicant/Plaintiff

Versus

1.K.Mekala,
aged 57 years,
W/o.Late V.K.Kamesh,
No.17, Thiruvallur Street,
Gandhi Nagar, Kallikuppam,
Ambattur, Chennai-600 053.

2.K.Divya,
aged about 32 ytears,
D/o.Late V.K.Kamesh,
No.17, Thiruvallur Street,
Gandhi Nagar, Kallikuppam,
Ambattur, Chennai 600 053.

3.N.Nithya,
aged about 30 years,
D/o.Late V.K.Kamesh,
No.17, Thiruvallur Street,
Gandhi Nagar, Kallikuppam,
Ambattur, Chennai 600 053.

4.V.Prabhakaran,
aged about 49 years,
S/o.Vasantha Rao,
No.14/104, New Street,
Karuku, Ambathur,
Chennai-600 053.

..Respondents/Defendants

Original Application praying that this Hon'ble Court be pleased to pass an order of injunction restraining the respondents 1 to 3 from alienating or causing any encumbrance on the schedule mentioned property pending disposal of the suit.

This Original Application coming on this day before this court for hearing, the court made the following order:-

Suit had been filed for direction against the respondents for a Judgment and Decree to pay a sum of Rs.1,70,00,000/- (Rupees One Crore and Seventy Lakhs only) together with interest and costs.

2. Suit was based on the mortgage executed by the defendants in favour of the plaintiff. It is stated by the learned counsel for the plaintiff that the original title deeds of the property are with the plaintiff.

3. The present application has been filed seeking an order of injunction restraining the respondents from alienating or causing any encumbrance on the schedule mentioned property.

4. Creation of the encumbrance something is not possible, in view of the fact, that title deeds of the property are in possession of the plaintiff. Therefore no order can be passed. At any rate while seeking a money decree, seeking injunction against dealing with property would not be appropriate, since the title deeds still vests with the defendants.

5. This application is closed.

Sd./-C.V.KJ
09.02.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

JJ 12/01/2021

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