

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Ninth day of October Two Thousand Twenty One

PRESENT

THE HON`BLE MS.JUSTICE P.T.ASHA

CMP.No.16768 of 2021

in SA.No.885 of 2021

M.VIJAYALAKSHMI

[PETITIONER]

Vs

1 L. MANICKAM

[RESPONDENT]

2 S. SURESHKUMAR

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an order of temporary injunction restraining the Respondents herein from alienating or encumbering the suit properties concerned in OS No.347 of 2018 on the file of Sub Court, Omalur pursuant to the decree and Judgement dated 30.04.2021 passed in AS No.96 of 2019 on the file of Principal District Judge, Salem(in CMP.No.16768 of 2021)pending disposal of the above SA.No.885 of 2021.

[Schedule of property-Xerox copy attached]

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 MR.A.K.KUMARASAMY, Senior Counsel for M/S.KAITHAMALAI KUMARAN, Advocate for the petitioner, the court made the following order:-

The above application has been filed to grant an order of injunction restraining the respondents herein alienating or encumbering the suit properties concerned in O.S.No.347 of 2018 pending in the file of the Sub Court, Omalur pursuant to the decree and Judgment dated 30.4.2021 passed in A.S.No.96 of 2019 on the file of Principal District Judge, Salem. The suit in question is one for partition and the plaintiff whose suit has been dismissed is in the appeal before this Court. The appellant/plaintiff had not been enjoying any interim orders pending the suit and that be the case it is needless to state that issue of alienation will be subject to lis pendens.

2.With these observations, the above application is dismissed.

3.Further the affidavit filed in support of the said application does not contain any averments to support the contentions that the respondent is taking steps to alienate the suit properties.

4.The learned Senior Counsel appearing for the instructing Counsel informs that the Counsel is filing the necessary said application. Post the matter after Diwali vacation.

-sd/-
29/10/2021
/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE,
OMALUR,SALEM DISTRICT.

2 THE PRINCIPAL DISTRICT JUDGE,
SALEM.

Order
in
CMP.No.16768 of 2021
in SA.No.885 of 2021

Date :29/10/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
GS(10/11/2021)