



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Thirtieth day of November Two Thousand Twenty One

PRESENT

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

CMP.No.19212 of 2019

in AS.No.641 of 2019

S.RANJANI

[PETITIONER]

Vs

1 JAVADHU HILL TEAK AGRI AND
HORTICULTURAL FARMS PVT LTD,
REP BY ITS MANAGING DIRECTOR,
NO.10, 11, DR.RADHAKRISHNAN SALAI,
ARUMBAKKAM, CHENNAI 600 106,
NOW AT NO.64, MADEL ADMENT ROAD,
CIT NAGAR, NANDANAM, CHENNAI 600 035.

[RESPONDENTS]

2 DR.E.KRISHNAN,
DIRECTOR

3 SELVI SUGANTHI VENU,
DIRECTOR

4 DHANALAKSHMI SHANMUGAM,
W/O SHANMUGAM, DIRECTOR,

5 M.SELVARAJAN,
DIRECTOR

RESPONDENTS 2 TO 5 ARE DIRECTORS,
JAVADHU HILL TEAK AGRI AND
HORTICULTURAL FARMS PRIVATE LIMITED,
NO.364, MODEL ADMENT ROAD, C.I.T.NAGAR,
NANDANAM, CHENNAI 600 035

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 or their men and agents from alienating and interfering with the petitioners possession and enjoyment of the properties which is the subject



matter of the suit in OS NO.28 of 2012 on the file of the III Additional District Judge, Vellore at Tirupattur (in CMP.No.19212 of 2019) pending disposal of the AS.No.641 of 2019.

WEB COPY

SCHEDULE OF PROPERTIES 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.G.VINODHKUMAR, Advocate for the Appellant/Petitioner and of M/S.S.T.BHARATH GOWTHAM, Advocate for the Respondents, the court made the following order:-

- (1) The petitioner/appellant herein is the plaintiff in the suit for specific performance. Though the Lower Court refused to grant specific performance, it granted alternative relief of recovery of money alleged to have been paid as advance under the alleged Agreement of Sale.
- (2) The present petition seeking injunction is to restrain the respondents/defendants from alienating or interfering with the petitioner/appellant's peaceful possession and enjoyment of the property which is the subject matter of the suit in OS.No.28/2012.
- (3) There is no finding by the Lower Court regarding possession of the petitioner/plaintiff pursuant to the Agreement. When the decree for specific performance is refused, the petitioner/appellant/plaintiff is not entitled to seek injunction to protect his possession.
- (4) An Agreement of Sale is not a document conveying right in immovable property. As regards injunction, restraining the respondents/defendants from alienating the property, the petitioner/appellant/plaintiff is protected by Section 52 of the Transfer of Property Act. Any alienation will be subject to the outcome of this appeal.
- (5) Therefore, the present Civil Miscellaneous Petition is dismissed.
- (6) Post after eight weeks.

-sd/-

30/11/2021

/ TRUE COPY /

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



TO

THE III ADDITIONAL DISTRICT JUDGE,
VELLORE AT TIRUPATTUR.

WEB COPY

C.C. to MR.G.VINODHKUMAR, Advocate SR.NO.6953/2021

Order

in
CMP.No.19212 of 2019

in AS.No.641 of 2019

Date :30/11/2021

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