



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A.No.3511 of 2021

and

C.M.P.No.20350 of 2021

1.M/s.Aishwarya Feeds,
A Partnership Firm,
Rep. By its Partners,
R.Gunasekaran and N.Shanthi
No.4/132, 4th Street, K.M.Mohanur Road,
Vagurampatti, Sanyasikaradu Post,
Namakkal District.

2.R.Gunasekaran

3.G.Shanthi

... Appellants

Vs

M/s.Vinayaga Capitals,
A Partnership Firm Registered
Under the Indian Partnership Act,
Rep. By its Managing Partner R.P.Rajendran
No.169C, Thuraiyur Main Road,
Namakkal.

... Respondent

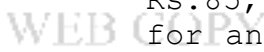
PRAYER: Civil Miscellaneous Appeal filed under Order XLIII Rule 1(r) read with Section 104 of the Code of Civil Procedure, 1908, praying to allow the Civil Miscellaneous Appeal, by setting aside, the docket order dated 29.11.2021, passed in I.A.No.5 of 2021 in O.S.No.274 of 2021, on the file of the Sessions Judge/ Special Court for Trial of Cases under SC/ST (PoA) Act, Namakkal.

For Appellants : Mr.Jagadish
for Mr.S.Senthil

For Respondent : Mr.R.Rajarajan

J U D G M E N T

This Civil Miscellaneous Appeal is against the order granting an order of interim injunction, restraining the



2. The plaintiff sued for recovery of a sum of Rs.85,00,000/- with subsequent interest. The plaintiff sought for an injunction restraining the defendants from alienating the properties on the ground that the defendants are attempting to alienate the properties with a view to delay or defeat the claim of the creditors.

4. Mr.C.Jagadish, learned counsel appearing for the appellant would submit that he is ready to furnish immovable property security for the value of the suit, to the satisfaction of the trial Court or he would even deposit the entire suit claim before the trial Court as security, since the property now subject matter of injunction application, is already mortgaged with the Bank and because of the injunction order, the Bank is threatening to recall the loan.

6. In view of the above, the following order is passed:



injunction order will be in force till such time.

7. This Civil Miscellaneous Appeal is disposed of with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dsa

To
The Sessions Judge,
Special Court for Trial of Cases under SC/ST (PoA) Act,
Namakkal.

+1cc to Mr.S.Senthil, Advocate, S.R.No.68479
+1cc to Mr.R. Rajarajan, Advocate, S.R.No.68791

CMA No.3511 of 2021

SMI (CO)
CT 05/01/2022