



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Thursday, the Twenty Second day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.SUNDAR

CMP No.20670 OF 2019

IN SA.NO.970 OF 2019

1 V.RAMESH

[PETITIONERS]

2 V.JAYAKUMAR

3 V.RAMU

Vs

VIJAYA BASKAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restrain the respondent by granting ad-interim injunction as against the respondent or his men or agent or person/s authorized by him from alienating or encumbering or to deal with the suit schedule property in any manner whatsoever more fully described in the petition schedule pursuant to an impugned Judgment and Decree passed in A.S.No.18/2016 dated 06-07-2019 on the file of First Additional District Judge, Tiruvallur, in the Judgment and Decree dated 01.04.2016 made in O.S.NO.39/2013 on the file of Hon'ble Sub Judge, Tiruttani (IN CMP.No.20670/2019) pending disposal of the above SA.NO.970/2019.

SCHEDULE OF PROPERTY XEROX COPY ATTACHED

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.UDAYA KUMAR, Advocate for the petitioner and of MR.B.HARIKRISHNAN, Advocate for the Respondent the court made the following order:-

Read this in conjunction with and in continuation of separate proceedings made today in the captioned main second appeal, which reads as follows:

'Mr.S.Udayakumar, learned counsel for appellants and Mr.B.Harikrishnan, learned counsel on record for sole respondent are before this Court.



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2. Case file placed before this Court brings to light that captioned second appeal has been admitted by predecessor Hon'ble Judge on 01.10.2019. This Court is informed that records from the District judiciary have since been received. This means that captioned second appeal is ripe for final disposal.

3. However, aforementioned both learned counsel submit that there is another second appeal filed by the respondent being S.A.No.48 of 2020 and that the same was admitted by another Hon'ble predecessor Judge on 24.01.2020. This Court is also informed by both learned counsel that at the time of admission of the other second appeal, there is a direction to tag S.A.No.48 of 2020 along with captioned second appeal and list both second appeals together. To be noted, judgment in the trial Court is a common judgment made in two suits, namely O.S.No.38 of 2013 and O.S.No.39 of 2013, one for rendition of accounts and other for specific performance.

4. In the light of the common submission made by both sides, Registry to list captioned second appeal along with S.A.No.48 of 2020 four weeks hence.

List under the same caption on 19.08.2021.'

2. The above captures the trajectory as well as the crux and gravamen of the lis that has led to the captioned second appeal.

3. At the time of admission of captioned second appeal on 01.10.2019, Hon'ble predecessor Judge has granted an interim order, which reads as follows:

'There will be an order of interim injunction as prayed for until further orders.

2. Notice to the respondent returnable by 30.10.2019. Private notice is also permitted.'

4. There is no disputation that the above interim order is now operating.

5. As captioned second appeal arises out of a specific performance suit, if there is an alienation of the suit property pending captioned second appeal and the connected second appeal for rendition of accounts when this Court is in seisin of the matter, it will lead to avoidable anomalies, complications and it is only appropriate that there is no alienation of suit property pending disposal of captioned second appeal and connected second appeal i.e., S.A.No.48 of 2020. Therefore, interim order granted by Hon'ble predecessor Judge on 01.10.2019 is made absolute.



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CMP disposed of by making the interim order absolute. There shall be no order as to costs.

-sd/-
22/07/2021
/ TRUE COPY /

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

TO

1 THE I ADDITIONAL DISTRICT
JUDGE, TIRUVALLUR

2 THE SUBORDINATE JUDGE
TIRUTTANI

C.C. to MR.S.UDAYA KUMAR Advocate SR.NO.4140/2021

Order

in
CMP No.20670 OF 2019

IN SA.NO.970 OF 2019

Date :22/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
DP (30/07/2021)