



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the First day of October Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMP(MD) No.5881 of 2021
in
A.S.(MD)No. 179 of 2021

1 RAJESWARI

2 T.R.SURENDRAN,

3 T.R.KUMARAN

4 T.R.SREENIVASAAN

5 R.B.DEVI,

... PETITIONERS/APPELLANTS

Vs

1 T.B. MANIKANDAN

2 B.S.KUPPUMANI

3 M.C.KANMANI,

4 A.G.GANGAVATHI,

5 M.K.BANU,

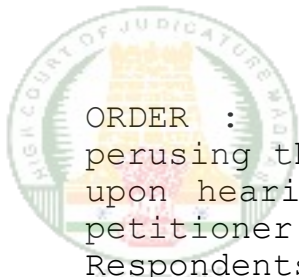
6 T.B.LAKSHMI

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of temporary injunction restraining the respondents, their men and agents from in any manner of alienating or encumbering the suit properties being the subject matter in O.S.No.50 of 2018 by the Honourable IV Additional District Judge, Madurai pending disposal of the Appeal.

Prayer in AS(MD). 179/ 2021 :

Pleased to set aside the decree and judgment passed in I.A.No.712 of 2019 in O.S.No.50 of 2018 by the Honourable IV Additional District Judge, Madurai by allowing this appeal and to pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case.



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.BABU RAJENDRAN, Advocate for the petitioner and of MR.J.PRABAKARAN, Advocate on behalf of the Respondents, the court made the following order:-

WEB COPY

The plaintiffs are the appellants in this appeal. They filed a suit for partition. In the said suit, the respondents herein filed a petition for rejection of plaint. The said I.A. was allowed. Questioning the same, this appeal has been filed. The apprehension of the appellants is that during the pendency of the proceedings, alienation may take place and the interest of the third parties may be interfered.

2. I make it clear that any alienation or encumbrance made during the pendency of this appeal will necessarily abide by the outcome of this appeal. The respondents are also directed to make a mention of this order in any future transaction in which they may enter into. The petitioners are directed to send a copy of this order to all the respondents individually by registered post.

3. This civil miscellaneous petition is disposed of accordingly.

sd/-

01/10/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

ENCL:XEROX COPY OF SCHEDULE OF PROPERTY

TO

THE IV ADDITIONAL DISTRICT JUDGE,
MADURAI

+1 CC to Mr.BABU. RAJENDRAN, Advocate(SR-6856[I] dated 04/10/2021)

ORDER

IN

CMP(MD) No.5881 of 2021 IN

AS(MD)NO.179 of 2021

Date :01/10/2021