



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

Thursday, the Fifth day of August Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN
and
The Hon'ble Mrs.Justice J.NISHA BANU

CMP (MD) No.4609 of 2020
IN
AS (MD) No.132 of 2020

1. SUBRAMANIAN
2. RAVI

... PETITIONERS/APPELLANTS

Vs

SWAMINATHAN

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of Interim Injunction restraining the respondent his men, agents and servants from alienating or encumbering the petition Schedule property being the subject matter in O.S. No. 142 of 2013 on the file of III Additional District Judge, Tiruchirapalli pending disposal of the Appeal.

Prayer in AS (MD) No. 132/ 2020 :

To prefer this Memorandum of Regular Appeal against the Judgement and Decree of the learned IIIrd Additional District Judge, Tiruchirapalli passed in O.S. No. 142 of 2013 dated 22.06.2018.

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.M.ASHOKKUMAR, Advocate for the petitioner and of Mr.G.SENTHIL VADIVU, Advocate for the Respondent, the court made the following order:-

(Order of the Court was made by V.BHARATHIDASAN, J.)

Against the dismissal of the suit in O.S.No.142 of 2013, the present appeal suit has been filed by the plaintiffs and pending appeal, the petitioners have sought for interim injunction restraining the respondent from alienating or encumbering the suit property.



2. Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the materials available on record.

3. Considering the facts and circumstances of the case, since the suit filed by the petitioners was already dismissed, there cannot be any injunction pending appeal. However, if any alienation is made, the same will be subject to the result of the appeal suit.

sd/-
05/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE III ADDITIONAL DISTRICT JUDGE,
TIRUCHIRAPALLI.

ORDER
IN
CMP (MD) No.4609 of 2020
IN
AS (MD) No.132 of 2020
Date :05/08/2021

akv
USK/JC/SAR-II : 10/08/2021 : 2P/2C