



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

Friday, the Sixth day of August Two Thousand and Twenty One

PRESENT

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

CMP(MD) No.7219 of 2020  
IN  
AS(MD) No.204 of 2020

S.M.SHAMSUDEEN (DIED)  
S.M.MUBARAK ALI (DIED)

1 S.M.IQBAL  
2 MEHARUNNISSA  
3 MAKKABI  
4 MOHAMED ASHRAF ALI  
5 MOHAMED AZHARUDEEN

... PETITIONERS/APPELLANTS

**Vs**

1 S.M.SADHIQ ALI  
2 S.M.BILAL  
3 S.M.LIAKATH ALI  
4 S.M.NOWSATH ALI

... RESPONDENTS/RESPONDENTS

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 respondents herein from in any manner encumbering the suit properties which are the subject matter of O.s.No.11 of 2012 on the file of Learned II Additional District Judge, Tiruchirappalli, pending disposal of the above Appeal suit.

**Prayer in AS(MD) . 204/ 2020 :**

To set aside the Judgment and Decree dated 20.11.2019 made in O.S.No.11 of 2012 on the file of II Additional District Judge, Trichirappalli.

**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 M/S.V.JANAKIRAMULU, Learned Counsel for the petitioners and of Mr.LAKSHMI SHANKAR, Advocate for Respondents 1 and 2, the court made the following order:-



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

Heard Mr.V.Janakiramulu, learned counsel for the appellants/appellants/plaintiffs 4, 6 to 8 and Mr.H.Lakshmi Shankar, learned counsel for the respondents 1 and 2.

2. Against the dismissal of the suit for partition, the plaintiffs 4, 6 to 8, have filed this appeal suit and pending appeal, they have filed an interlocutory application seeking interim injunction restraining the respondents from encumbering the suit schedule properties in O.S.No.11 of 2012 on the file of the II Additional District Judge, Tiruchirappalli, till the disposal of the Appeal Suit.

3. Considering the fact that the suit filed by the appellants/plaintiffs had been dismissed, there cannot be any injunction restraining the respondents from alienating the suit schedule properties; However, it is needless to say that any alienation made pending *lis*, will be subject to the outcome of the *lis* and this Civil Miscellaneous Petition is dismissed.

sd/-  
06/08/2021

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

**TO**

THE II ADDITIONAL DISTRICT  
JUDGE, TIRUCHIRAPPALLI.

**ORDER**

**IN**

CMP (MD) No.7219 of 2020

IN

AS (MD) No.204 of 2020

Date :06/08/2021

SA/PN/SAR.4/11.08.2021/2P/2C