



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Second day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE M.DURAIWAMY

and

THE HON`BLE MRS.JUSTICE T.V.THAMILSELVI

CMP.No.3213 of 2022

in AS.No.89 of 2022

PAPPAMMAL (DIED)

[PETITIONERS]

1.VANITHA

W/O.KATHAMUTHU PUSHPAVANAM, VADARANYAM TALUK
AND DISTRICT MUNSIFI REP. BY POWER OF ATTORNEY,
S.K.RAMASAMY GOUNDER, S/O.KAILASA GOUNDER,
NO.1C, OFFICER CLUB ROAD, KADAMBADI,
NAGAPATTINAM TOWN & DISTRICT MUNSIFI.

Vs

1 VEERAMANI

[RESPONDENTS]

2 RAVICHANDRAN

3 GOMATHI

PARAVATHI (DIED)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased To grant an order of ad interim injunction restraining the respondents 1 to 3/defendants 1 to 3 their men or agent or servants or henchmen or any persons are claiming through the respondents 1 to 3/defendants 1 to 3 from making any encumbrance in the suit schedule property in O.S.No.21 of 2013 on the file of the District Judge at Nagapattinam, (in CMP.No.3213 of 2022) pending disposal of the above AS.No.89 of 2022.

SCHEDULE OF PROPERTY XEROX COPY ATTACHED



Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.NAGARAJAN, Advocate for the petitioner, the court made the following order:-

WEB COPY

(Order of the Court made by M.DURAI SWAMY, J.)

Challenging the dismissal of the suit for partition in O.S.No.21 of 2013 on the file of the District Court, Nagapattinam, the 2nd plaintiff has filed the above appeal.

2. The appellant has also filed the above Civil Miscellaneous Petition seeking for interim injunction restraining the respondents 1 to 3 from alienating the suit property.

3. An order of interim injunction cannot be granted in favour of the unsuccessful 2nd plaintiff for two reasons, viz.,

(i) the suit for partition was dismissed by the trial court; and

(ii) any alienation is made by the respondents during the pendency of the appeal, will be hit by section 52 of the Transfer of Property Act.

3. In such view of the matter, we are not inclined to grant any interim order in favour of the petitioner-appellant. Accordingly, the petition is dismissed.

-sd/-

22/03/2022

/ TRUE COPY /

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

TO

THE DISTRICT JUDGE,
NAGAPATTINAM.

Order
in
CMP.No.3213 of 2022
in AS.No.89 of 2022

Date :22/03/2022

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