



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Thirty First day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR JUSTICE M.DURAI SWAMY

AND

THE HON`BLE MRS JUSTICE T.V.THAMILSELVI

CMP.NO.4710 OF 2022

IN AS.NO.123 OF 2022

D.RAMU

[PETITIONER]

Vs

LAKSHMIGANTHAM

[RESPONDENT]

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 injunction restraining the respondent herein, their men, agents, assignees or any other persons claiming through them from alienating or encumbering the schedule mentioned property which is the subject of suit schedule in O.S.No.114 of 2017 on the file of the III Additional District Judge.(in CMP.No.4710/2022 in AS.No.123/2022)

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

The unsuccessful plaintiff in O.S.No.114 of 2017 on the file of the III Additional District Court, Puducherry has filed the above appeal.

2.The suit in O.S.No.114 of 2017 was filed for specific performance and the trial Court, by the judgment and decree dated 28.01.2020, dismissed the suit.

3.In the present appeal, the plaintiff has filed a Civil Miscellaneous Petition seeking for injunction restraining the respondent/ defendant from alienating the suit property.

4.When the suit filed by the plaintiff was dismissed by the trial Court and the same has been challenged in the above appeal, the question of granting injunction does not arise for the reason



that the alienation made by the respondent is subject to the result of the appeal. That apart, the appellant would also be entitled for protection under Section 52 of the Transfer of Property Act. In such view of the matter, we are not inclined to grant an order of injunction. Accordingly, the Civil Miscellaneous Petition in C.M.P.No.4710 of 2022 is dismissed.

-sd/-

31/03/2022

/ TRUE COPY /

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

TO

THE III ADDITIONAL DISTRICT JUDGE,
PUDUCHERRY.

ORDER

IN
CMP.4710/2022

IN AS.NO.123 OF 2022

DATE :31/03/2022

From 26.2.2001 the Registry is issuing certified
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SDR 06.04.2022