



C.M.P.Nos.12533 and 12535 of 2021

in

S.A.No.591 of 2021

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P.T.ASHA, J.,

The appeal arises from and out of the judgment and decree in O.S.No.4254 of 2015 filed by the appellant herein against the respondents for the following reliefs:

"a) Declaring that the Cancellation deed dated 29.01.2014 executed by the Plaintiff's father registered as document No.333/2014 in the Office of SRO, Purasaivakkam as against the settlement deed dated 14.09.2012 registered as document no.3332/2012 as null and void and not binding on the plaintiff ;

b) Declaring that the subsequent Settlement deeds dated 29.01.2014 registered as document Nos.334/2014, 335/2014 & 336/2014 in the office of SRO, Purasaivakkam as null and void and not binding on the plaintiff ;

c) Granting permanent injunction restraining the defendants, his men, agent or any one acting on his behalf from interfering into the plaintiff's peaceful possession and enjoyment of the suit schedule property ; and d) Awarding Costs of the suit."

2. The matter had been pending for admission from 2021 and



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"notice of motion" had been ordered by the Court. After hearing the arguments on both sides, this Court is inclined to admit the second appeal on the following substantial questions of law:

“1) Whether the Courts below are correct in construe Ex.A1 to be a Will ?

2) Whether Ex.A2 Cancellation Deed will fall within the contour of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 thereby validating the cancellation of the settlement deed ?

3) Whether or not unilateral cancellation of settlement is non-est in law even when right of life interest as condition precedent for the transfer of settled property ?

3. Both the counsels were present and made their submissions.

4. Admittedly, the appellant/petitioner is in possession of the suit property exclusively and the same is admitted by the defendants. Considering the said fact, and as the Court is of the opinion that substantial questions of law arises for consideration in the above appeal, if pending the appeal, the petitioner/appellant's possession and enjoyment of the suit property is disturbed it is likely to cause great prejudice, irreparable injury or hardship to appellant/petitioner as the defendants



would create an encumbrance and third parties interest in the suit property. Therefore, the Civil Miscellaneous Petitions are allowed and there shall be an order of interim injunction as prayed for by the petitioner till the disposal of the second appeal.

02.11.2022

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