



WEB COPY



C.M.P.No.8198 of 2022

in S.A.No.385 of 2022

P.T.ASHA, J.

The appellant is the plaintiff, who has concurrently lost in both the Courts below, the appellant had filed a suit O.S.No.11 of 2009 on the file of the District Munsif, Sirkazhi for specific performance of a Sale Agreement dated 26.06.2003 executed by the first respondent in favour of the appellant. The suit was dismissed on 11.10.2017 and the appeal filed was also dismissed on 26.08.2021. The appellant has not had the benefit of any interim order pending the appeal. While so, this civil miscellaneous petition is filed for an order of interim injunction restraining the respondents from interfering with the plaintiff's peaceful and enjoyment of the suit property.

2. The appellant nowhere in his plaint has stated that he has been put in possession of the suit property, pursuant to the Agreement of Sale and that apart, he has not had the benefit of an injunction either pending the suit or pending the appeal. The affidavit filed in support of this petition is bereft of details.

3. In the light of the above, the civil miscellaneous petition is dismissed. Post the second appeal in the usual course.

06.09.2022.

srn