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C.M.P. No.11137 of 2022
in A.S.No.218 of 2019

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A.S.No.218 of 2019

M.DURAI SWAMY, J.

and

SUNDER MOHAN, J

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

Challenging the judgment and decree passed in O.S.No.73 of 2105 on the file of II Additional District Court, Kancheepuram, the 1st defendant has filed the above Appeal. In the said Appeal, the 1st respondent has filed the above Miscellaneous Petition seeking for grant of interim injunction restraining the respondents 1 to 4 from making alterations and fresh constructions in the suit property. The Trial Court, passed a preliminary decree for partition in O.S.No.73 of 2015.

2. Mr.S.Kamadevan, learned counsel appearing for the 1st respondent in the appeal, submitted that the appellant is putting up construction in the suit property and he should be restrained by an order of interim injunction.

3. It is brought to the notice of this court by the learned counsel on either side that the parties did not have any interim order during the pendency of the suit.



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4. In these circumstances, we are not inclined to grant an order of interim injunction in favour of the 1st respondent/plaintiff. However, we make it clear that in the event of the appellant putting up any construction in the suit property, he cannot claim equity at the time of passing of final decree.

With these observations, the above Miscellaneous Petition is dismissed.

[M.D., J.] [S.M., J.]

11.08.2022

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