



O.A.Nos.802 & 803 of 2021
in
C.S.No.360 of 2021

C.V.KARTHIKEYAN, J.

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The suit had been filed for specific performance by the plaintiff seeking enforcement of agreement entered by the plaintiff with the 1st defendant. The nature of the property is a building wherein, the 2nd and 3rd defendants are lessees. It is claimed that the lease agreements had been entered by the plaintiff with the said 2nd and 3rd defendants and that the lease amounts have been paid by the 2nd and 3rd defendants to the plaintiff. This would effectively mean that the plaintiff has constructive possession of the property.

2. The suit had been instituted on 10.12.2021. On 03.11.2021, the 1st defendant appears to have sold the property to the 4th defendant who had been subsequently impleaded.

3. It is stated that such Sale deed was registered on 27.11.2021, and under Section 47 of the Registration Act, the registration would flow back to the date of execution, namely on 03.11.2021.

4. It is stated that the 4th defendant had also filed a written statement but it had been returned by the registry for some compliances.

5. It would only be appropriate that pending the suit, no alienation or encumbrance is done over the property to avoid further parties being impleaded or further suits of any nature being instituted.



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6. The applications are allowed. There shall be an order of interim injunction restraining not only the 4th defendant but also the 1st, 2nd and 3rd defendants from either dealing with the property or interfering with the possession of the plaintiff. The 2nd and 3rd defendants shall continue to pay the lease amount only to the plaintiff and if there is a dispute of title raised by the 4th defendant, they may file a separate application to deposit the lease amount into the Court.

7. Registry may put up the written statement said to have been filed by the 4th defendant, who is the only contesting defendant.

8. List the matter under the caption “for framing issues” on 26.09.2022.

05.09.2022

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