



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Eighteenth day of March Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD) No.5688 of 2020
IN
SA(MD) No.840 of 2005

MUNİYAPPAN

... PETITIONER/APELLANT

Vs

1 ANDIYAPPAN (DIED)

... NIL/1ST RESPONDENT

2 KARUPPIAH

... RESPONDENT NO.1/2ND RESPONDENT

3 NALLAMMAL (DIED)

... NIL/3RD RESPONDENT

4 VADIVEL,

5 RAMASAMY,

6 THE SUB REGISTRAR,
SUB REGISTRAR OFFICE,
TAHSILDAR OFFICE,
MANAPPARAI TALUK,
TIRUCHIRAPPALLI DISTRICT.

... RESPONDENT 4 TO 6/PROPOSED RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of Injunction restraining the respondents from executing, creating, registering any kind of encumbrance including but not limited to sale, agreement of sale, power of attorney, mortgage, lease or any other transaction in respect of the suit properties more fully described in the petition hereunder pending disposal of Second Appeal and pass an ad Interim Injunction to the said effect.

PRAYER IN SA(MD) No.840 of 2005:

To set aside the decree and judgement passed by the Principal district Judge, Trichy in A.S.No.291/2001 dated 24.04.2003 confirming the decree and Judgement of District Munsif Court, Manapparai in O.S.No.32/97 dated 29.08.2001 in so far as items 1 to 5 and 7 of the suit properties are concerned and allow this 2nd Appeal decreeing the suit in so far as items 1 to 5 and of suit properties concerned with cost through out.



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.MARIA ROSELINE, Advocate for the petitioner, the court made the following order:-

This petition is filed by the appellant for injunction restraining the respondents from executing, creating, registering any kind of encumbrance including but not limited to sale, agreement of sale, power of attorney, mortgage, lease or any other transaction in respect of the suit properties more fully described in the petition, pending the second appeal.

2.The appellant is the plaintiff and he filed the suit in the year 1997 for bare injunction. The suit was dismissed and the appeal was also dismissed. As against the concurrent findings of the Courts, the present second appeal is filed by the plaintiff in the year 2005.

3.Now this application is filed seeking injunction as above. The suit is filed for bare injunction. When the Courts below have dismissed the suit and the appeal filed by the plaintiff and this appeal is also pending from the year 2005, this Court is not inclined to entertain this application and therefore, this petition is dismissed.

4.Post the main second appeal on 29.03.2022.

sd/-

18/03/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
TRICHY

2 THE DISTRICT MUNSIF,
MANAPPARAI.

ORDER IN
CMP(MD) No.5688 of 2020
IN
SA(MD) No.840 of 2005
Date :18/03/2022

RS/VR/SAR.1(25.03.2022) 2P-3C

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