



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

Tuesday, the Nineteenth day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CMP(MD) No.7211 of 2020
IN
AS(MD) No.202 of 2020

1 SANTHOSH KANNAN
2 AISWARYA

... PETITIONERS / APPELLANTS/
PLAINTIFFS

Vs

1 SURESH
2 ANSATHUL BATHARIYA

... RESPONDENTS / RESPONDENTS/
DEFENDANTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of Ad-interim Injunction till the disposal of this application and an order of interim injunction restraining the respondents from in any way alienating or encumbering the suit property which is the subject matter in OS No.1 of 2018 on the file Principal District Court, Ramanathapuram, till disposal of this appeal.

PRAYER IN AS(MD) No.202 of 2020:

To reverse and set aside the Judgment and decree in O.S.No.1 of 2018, on the file of Principal District Court, Ramanathapuram dated 19.11.2019.

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 MR.V.RAGHAVACHARI, Advocate for the petitioner and of Not appeared either in person or by an advocate for the 1st respondent and MR.D.S.HAROON RASHEED, Advocate on behalf of the 2nd Respondent, the court made the following order:-

The suit has been filed for partition and separate possession by the appellants/plaintiffs and the same was dismissed. Challenging the same, the plaintiffs have filed this Appeal Suit.

2.This Civil Miscellaneous Petition has been filed for the relief of interim injunction restraining the respondents from in any way alienating or encumbering the suit property pending appeal.



3.The respondents did not file counter.

4.If the suit property is alienated or encumbered that will create third party interest and would complicate the proceedings and give way for multiplication of litigation.

5.Consider the same, I feel that this petition should be allowed.

6.In the result, this Civil Miscellaneous Petition is allowed and there shall be an order of interim injunction restraining the respondents from alienating or encumbering the suit property till the disposal of this Appeal Suit.

sd/-
19/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ENCL: XEROX COPY OF SCHEDULE OF PROPERTY.

TO

THE PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.

+1 CC to MR.V.RAGHAVACHARI, Advocate (SR-3505[I] dated 19/04/2022)

ORDER
IN
CMP(MD) No.7211 of 2020
IN
AS(MD) No.202 of 2020
Date :19/04/2022

IAS
MK/VR/SAR.I/20.04.2022/2P/3C