



C.M.P.Nos.8728 & 8730 of 2023
in A.S.No.213 of 2023

WEB COPY

R.SUBRAMANIAN, J.
and
R.KALAIMATHI, J.

The suit filed by the plaintiff / appellant for a declaration that the sale deed executed by her in favour of the respondent is invalid and for consequential relief of injunction, which was dismissed by the Trial Court leading to this appeal by the plaintiff.

2.Pending the appeal, the plaintiff seeks a temporary injunction restraining the respondent from interfering with her possession of the suit property. Though the plaintiff / appellant not favoured with an order of injunction pending suit, the learned counsel for the appellant would contend that the defendant had admitted her possession.

3.Drawing our attention to Paragraph 9 of the written statement, wherein it is stated as follows:-

“In fact the plaintiff after selling the suit property took leave of the Defendant to continue to occupy the suit property as a Tenant and therefore she also favored demolishing of the 1st Floor and reconstruction of the same”, the learned counsel would contend that since her possession is admitted, the appellant would be entitled to an injunction.



R.SUBRAMANIAN, J.
and
R.KALAIMATHI, J.

KKN

4.It is also stated that the respondent has launched proceedings under the Pondicherry Buildings (Lease and Rent Control) Act, 1971 seeking eviction of the appellant, treating her as a tenant. In such circumstances, granting of injunction will only prejudice the case of the respondent in the rent control proceedings. Hence, the application for injunction restraining respondents from interfering the peaceful possession of the appellant filed in C.M.P.No.8730 of 2023 is dismissed. Leaving it open to the respondents to prosecute the rent control proceedings.

5.In respect of the petition seeking injunction restraining the respondents from alienation, it is made clear that any alienation would be subject to result of the appeal. Hence, the petition in C.M.P.No.8728 of 2028 is also dismissed.

(R.S.M., J.) (R.K.M., J.)
03.07.2023

kkn

C.M.P.Nos.8728 & 8730 of 2023
in A.S.No.213 of 2023