



C.M.P.No.8551 of 2023
in A.S.No.211 of 2023

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

Interim injunction restraining the respondent from alienating the property is sought for. A suit for specific performance or in the alternative relief for refund of advance is filed by the appellant was dismissed by the Trial Court on the ground that the suit is barred by limitation in respect of both the reliefs.

2.Mr.N.Manoharan, learned counsel for the appellant would justify his claim for injunction on the ground that there is a statutory charge created under Section 55(vi)(b) of the Transfer of Property Act. If there is a charge, it will be open to the appellant to enforce the charge, if he succeeds in the appeal, *de hors* any alienation made during the pendency of the appeal. Hence, we do not see any reason to continue injunction that has already been granted, since the claim of the appellant was totally rejected the Trial Court. This injunction petition is therefore, dismissed.

(R.S.M., J.) (R.K.M., J.)
31.07.2023

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