



O.A.No.569 of 2023 in

C.S.No.112 of 2023

R.N.MANJULA,J.

The suit has been filed by the plaintiff for partition, separate possession and allot 1/3 share in the suit property.

2. This application has been filed for seeking an interim injunction restraining the first respondent and his men from alienating or creating any encumbrance in the suit schedule properties mentioned in 'A' to 'D' to any third parties pending disposal of the present suit. .

3. The first respondent has filed his counter affidavit, wherein, he has given an undertaking in paragraph No.9 as under:

"9. Without prejudice to the contentions stated above, I state that since I am living with my family in the house property bearing Old No.7, New No.9, Manohar Avenue, Casa Major Road, Chennai 600 008 from day one of purchase by my father, I have no intention to create any encumbrance over the house property mentioned in Schedule A to the plaint till the disposal of the above suit. With regard to



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the Schedule B property viz., two private cricket clubs are concerned, the ownership of the same has already been vested in my name and my son's name even during the lifetime of my father and hence, it cannot be the subject matter of partition. The Schedule C is concerned, it is old car and it is still at home and I have no intention to alienate the same till the disposal of the suit. With regard to Schedule D viz., Central Government Health Scheme is concerned, it was given to my parents during their life time by the Central Government and I never made any claim with the said Central Government Scheme as no requisite documents were available. "

4. Since the first respondent had expressed his intention that the suit property is not going to be alienated or encumbered during the pendency of the suit, the same is recorded and the Original Application filed seeking ad interim injunction is closed by allowing the parties to conduct the suit.

24.07.2023

gsk