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C.M.P. No. 20634 of 2023

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in
A.S. No. 598 of 2023

P.T.ASHA, J.

The above appeal arises out of the dismissal of the suit for partition and separate possession of B schedule property and also for a decree for permanent injunction restraining defendants from interfering with the plaintiff's peaceful possession and enjoyment of the C and D schedule properties.

2. The suit has been dismissed by the Trial Court. The Trial Court held that the plaintiff is not entitled to declaration and injunction with reference to C and D schedule properties and also not entitled to partition in respect of B schedule property. Challenging the same, the appellant is before this Court.



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3. Admittedly, the appellant did not have the benefit of any injunction pending the suit, not even an injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the properties.

4. Further, the affidavit filed in support of the petition seeking an injunction is also bereft of details and an innocuous statement that respondents 1 to 3 are trying to create an encumbrance over the B – Schedule property has been pleaded.

5. In the result, the injunction petition is dismissed. It is needless to state that any sale pending the appeal is always subject to the result of the appeal.

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