



WEB COPY



C.M.P.No.18911 of 2023
in A.S.No.553 of 2023

P.T.ASHA, J.,

Heard the learned counsel for the petitioner/appellant. The first respondent had refused to receive the notice. Therefore, there is a deemed service on the first respondent.

2. The plaintiff in a suit for partition and permanent injunction has moved the second appeal challenging the dismissal of her suit. The plaintiff had claimed a partition of three items of property against her father, the first defendant.

3. The contention of the first respondent was that the properties were all self acquired and this contention has been upheld by the trial Court. Along with the second appeal, the appellant has also filed C.M.P.No.18911 of 2023 for an injunction restraining the first respondent from alienating the properties which are the subject matter of the suit O.S.No.42 of 2019 on the file of the Additional District Judge, Krishnagiri.

**P.T.ASHA, J.,**

srn

4. The affidavit filed in support of this petition does not contain any details except for making the bald statement that the respondent is making hasty attempts to alienate and create encumbrance over the suit property. The plaintiff did not have the benefit of any interim order before the trial Court. The suit itself is of the year 2019 and the plaintiff has not placed anything on record to show that pending proceedings, the first respondent has alienated the property. Further, any alienation made during the pendency of the proceeding is hit by *lis pendens*.

5. Therefore, in the light of the above, the petition for injunction is dismissed. Post the appeal suit in the usual course.

01.11.2023

srn

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