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C.M.P.No.1446 of 2023

in

A.S.No.35 of 2023

R.SUBRAMANIAN, J.

and

R.KALAIMATHI, J.

The prayer in the Civil Miscellaneous Petition reads as follows:-

“to grant an order of interim injunction restraining the respondents, their men, agents, servants or anyone claiming through them from in anyway alienating or creating any encumbrances over the petition mentioned properties pending disposal of this above first appeal.”

2.The learned counsel for the appellant would submit that the respondents are making hectic efforts to sell the property on the claim of the appellant in the appeal. The suit was filed in the year 2009 in this Court and upon transfer, it is disposed of by the City Civil Court in August, 2022. Therefore, over a period of 13 years, there is no injunction restrained the respondents from alienating the property.

3.In view of the above, we do not find any justification in the apprehension expressed by the appellant in the affidavit filed in support of



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the petition. We make it clear that alienation will be subject to result of the appeal, in view of the specific provision namely, Section 52 of the Transfer of Property Act. This Civil Miscellaneous Petition is therefore, dismissed.

(R.S.M., J.) (R.K.M., J.)
12.07.2023

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