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C.M.P.No.22342 of 2022

in

A.S.No.583 of 2022

R.SUBRAMANIAN, J.

and

R.KALAIMATHI, J.

The suit for specific performance filed by the appellant has been dismissed by the Trial Court, granting alternative relief of refund of part of the advance, leading to this appeal.

2.The petitioner seeks an order of injunction restraining the respondent from dealing with the property or creating third party rights. The respondent, who has been impleaded in his individual capacity has filed a counter stating that the property belongs to the Trust and Trust deed does not empower him to deal with and alienate the property in his individual capacity. It also reads that all the powers are vested with the Board of Trustees. We therefore, see no reason to grant an injunction. However, we make it clear that any alienation will be subject to result of the appeal, in view of the Section 52 of the Transfer of Property Act.

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

13.07.2023

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