



C.M.P.No.25158 of 2023

in

S.A.No.151 of 2023

P.T.ASHA, J.,

The above petition is filed to fix an early date for the final disposal of the Second Appeal.

2. The learned counsel for the petitioner would contend that the petitioner had filed an execution proceedings against the respondents in E.P.No.1202 of 2019, before the XVIII Asst. City Civil Court, Chennai to execute the decree in O.S.No.1 of 2016 on the file of the II Addl. District Judge, Thoothukudi which he had obtained against respondents 1 and 2 herein, since pending the suit the 2nd respondent had transferred the property by a deed of settlement dated 07.07.2017, in the name of his wife, the 3rd respondent to keep the property out of the reach of the petitioner/appellant.



3. The petitioner had filed O.S.No.130 of 2019, on the file of the XVIII Asst. City Civil Court, Chennai to declare the deed of settlement dated 07.07.2017 as null and void and for a permanent injunction restraining the respondents/defendants, their men, agents, servants, representatives, power agents from further alienating or encumbering the property. The suit was dismissed on the ground that the appellant who is a single creditor cannot invoke the provisions of Section 53 of the Transfer of Property Act and the appeal thereafter in A.S.No.32 of 2021, on the file of the XVII Addl. City Civil Court, Chennai was also dismissed.

4. The petitioner would submit that the execution proceedings are not being proceeded with only on account of the pendency of this Second Appeal. The plaintiff has filed the suit as early as in the year 2016 and is yet to see the colour of the coin. Therefore, it is prayed that this Court may be pleased to fix an early date for the final hearing as it involves a very short question of law.



WEB COPY 5. Considering the submissions made in the affidavit and by the counsel, the above petition is ordered and the Second Appeal 151 of 2023 is posted on 19.12.2023 for final hearing.

22.11.2023

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P.T.ASHA.J

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