



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Eighth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

CMP(MD) No.8652 of 2016

IN

SA(MD) No.576 of 2016

P.KALYANI

... PETITIONER/APPELLANT

Vs

1 C.V.BALASUBRAMANIAN

2 C.V.NATARAJAN (DIED)

3 C.V.CHANDRASEKARAN

4 N.PREMA

5 K.LATHA

... RESPONDENTS/RESPONDENTS

RR 4 AND 5 ARE BROUGHT ON

RECORD AS LRS OF THE DECEASED 2nd RESPONDENT VIDE COURT ORDER DATED 02.11.2020 MADE IN CMP(MD) Nos.8830 & 8831 OF 2016 in SA(MD) No.576 of 2016.

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of temporary injunction forbearing the respondents from alienating or encumbering the suit schedule property, the subject matter in O.S.No.27 of 2011 on the file of the Sub Court, Ambasamudram, and pending disposal of this second appeal.

Prayer in SA(MD). 576/ 2016 :

Pleaded to allow the appeal by setting aside the judgment and Decree passed in A.S.No.33 of 2015 on the file of the IV Additional District Court, Tirunelveli, dated 10.06.2016 reversing the judgment and Decree passed in O.S.No.27 of 2011 on the file of the Sub Court, Ambasamudram, dated 07.02.2015.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.MEENAKSHI SUNDARAM, Senior Counsel for M/S.K.KARTHICK, for the petitioner and of Mr.V.MEENAKSHI SUNDARAM, Advocate on behalf of the Respondents 1 and 3 while admitting the SA., the Court made the following order:-



This petition is filed seeking injunction restraining the respondents from alienating the suit property. Even assuming that any allegation takes place pending Second Appeal, the same is subject to the result of the Second Appeal. Therefore, doctrine of lis pendens will take care of this petitioner. Though this petition was filed as early as September 2016 and till date, there is no interim order in favour of the petitioner.

2. Hence, this Civil Miscellaneous Petition is dismissed with the above clarification that any alienation is subject to the result of the Second Appeal.

sd/-

28/02/2023

/ TRUE COPY /

/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUBORDINATE JUDGE
AMBASAMUDRAM
- 2 THE IV ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

ORDER
IN
CMP(MD) No.8652 of 2016
IN
SA(MD) No.576 of 2016
Date :28/02/2023

SS/SAR I/13/03/2023/2P/3C