



WEB COPY

CMP.No.3233 of 2024
in
A.S.No.94 of 2024
SATHI KUMAR SUKUMARA KURUP,J.

The learned Counsel for the Appellant submitted that the Plaintiff in O.S.No.79 of 2022 on the file of the learned III Additional District Judge, Cuddalore at Virudhachalam is the Appellant before this Court.

2. The contention of the learned Counsel for the Appellant that the Suit was filed by the Appellant in the Appeal as Plaintiff seeking relief of specific performance of contract for the sale of property based on the sale agreement deed dated 07.07.2012. The Respondent herein as Defendant disputing the claim of the Plaintiff stating that the sale agreement was not executed with an intention to sell the property but was obtained by the Plaintiff in force and coercion for the loan amount already availed by the Defendant. Issues were framed. Trial proceeded. On the basis of the evidence adduced by both parties and on appreciation of evidence, the learned III Additional District Judge, Cuddalore at Virudhachalam by Judgment dated 31.08.2023 granted the decree for return of advance amount along with interest and also the alternate relief of create charge on the property for sale. Aggrieved by the same, the Plaintiff had



preferred this Appeal seeking specific performance of contract for sale of the property.

3. During pendency of Appeal, the learned Counsel for the Appellant seeks interim injunction against the Respondent not to create encumbrance.

4. The Respondent disputed the claim of the Petitioner as the trial Court had not granted the relief of specific performance of contract for sale and had dismissed the Suit for specific performance of contract for sale. Under those circumstances, the Plaintiff/Appellant cannot seek interim injunction restraining the Defendant.

5. Considering the pendency of Appeal, till the Appeal is disposed off, the Petitioner is entitled to seek interim injunction not to create encumbrance in the property. Till the Appeal is disposed off, the interim injunction granted in favour of the Appellant against the Defendant not to create encumbrance in the property.



WEB COPY

6. Call for the clean photostat copy of the records, as per the circular of this Court, from the learned III Additional District Judge, Cuddalore at Virudhachalam.

Post this case in regular course.

18.11.2024

dh



WEB COPY



SATHI KUMAR SUKUMARA KURUP,J.

dh

CMP.No.3233 of 2024
in
A.S.No.94 of 2024

18.11.2024