



C.M.P.No.8890 of 2024

in

A.S.No.259 of 2024

R.SUBRAMANIAN, J.

and

R.SAKTHIVEL, J.

The prayer in this petition runs as follows:-

"to grant temporary injunction against the respondents, their men, their agents, and anybody else claiming right through them in any manner whatsoever, restraining them from dealing with or alienating either by sale, gift, settlement, lease, mortgage or otherwise or creating an encumbrance in any form over the property forming the subject matter of the suit in O.S.No.227 of 2008 on the file of the II-Additional District & Sessions Judge, Tiruppur, pending disposal of the above appeal."

2. Admittedly, the suit filed by the petitioner seeking specific performance has been dismissed. Therefore, the petitioner has no right in present over the immovable property that is subject matter of the suit. Further, any alienation or encumbrance made pending appeal will be subject to result of the appeal in view of the specific provision under Section 52 of the Transfer of Property Act. Hence, we do not see any reason to grant an order of injunction. This Civil Miscellaneous Petition is therefore, dismissed.

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

03.06.2024

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