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C.M.P.No.7899 of 2024

C.M.P.No.7899 of 2024
in
A.S.No.221 of 2024

RMT.TEEKAA RAMAN, J.

The unsuccessful Plaintiff is the Appellant herein. The Plaintiff filed a Suit in O.S.No.425 of 2018 on the file of the III Additional District Judge, Coimbatore for specific performance of Ex.A1/suit sale agreement. The Suit was dismissed. Hence the Appeal.

2.In the written statement before the trial Court the execution of Ex.A1 agreement was admitted and it was mentioned that the legal notice was issued after the stipulation of time for completing the sale transactions.

3.Pending Appeal, the Appellant/Plaintiff seeks interim injunction from alienating the suit property. Learned counsel for the Respondent filed counter affidavit.

4.The Decree is primarily based on the fact that there is a delay in instituting the Suit and the ready and willingness on the part of the Plaintiff.

5.Heard the learned counsel for the Petitioner and the learned counsel for the Respondent.

6.The suit sale agreement is dated 10.10.2013, two years time was fixed for completion of sale transactions and hence, the sale transaction has to be



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completed on or before 11.11.2015, the legal notice was issued on 14.06.2018.

On the point of limitation, the trial Court has dismissed the Suit.

7. Based on the facts and circumstances of this case, this Petition is ordered on the following lines:

“Alienation, if any made, will be covered under Section 53 of the Transfer of Property Act on the principle of *lis pendens*”

31.07.2024

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Dated: 31.07.2024