



C.M.P.No.9619 of 2024

in

A.S.No.297 of 2024

R.SUBRAMANIAN, J.

and

R.SAKTHIVEL, J.

The prayer in this petition runs as follows:-

"to grant temporary injunction, restraining the respondents, their agents, assignees, men, any person, organisation or entity acting through them or on their behalf, from alienating, dealing with or creating any encumbrance over the Schedule Property hereunder being the subject matter of O.S.No.160 of 2016 on the file of the II Additional District Court at Salem 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 presenting 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.)

04.06.2024

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