



C.M.P.No.10677 of 2024

in

A.S.No.349 of 2024

R.SUBRAMANIAN, J.

and

R.SAKTHIVEL, J.

The prayer in this petition runs as follows:-

"To pass an order granting interim injunction whereby forbearing the respondents herein, their men, agents and servants besides any persons claiming through them or under them from encumbering and alienating or altering the suit property in O.S.No.82 of 2014 on the file of District Court, Karaikal to any person in any manner pending disposal of the above First 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 the 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.

3. This Civil Miscellaneous Petition is therefore, **dismissed**.

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

09.07.2024

dsa

R.SUBRAMANIAN, J.

and



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R.SAKTHIVEL, J.

dsa

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