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C.M.P.No.12503 of 2024

in

A.S.No.414 of 2024

R.SUBRAMANIAN, J.

and

R.SAKTHIVEL, J.

The prayer in this petition runs as follows:-

"To grant an order of injunction restraining the respondent herein, his men, agents, assignees or any other persons claiming through him from either alienating or encumbering the Schedule mentioned property, which is subject matter of O.S.No.51 of 2021, on the file of 1st Additional District Judge, Tindivanam 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 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.)

15.07.2024

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