



C.M.P.No. 13338 of 2024
in A.S.No. 447 of 2024

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R.SUBRAMANIAN, J.
AND
R.SAKTHIVEL, J.

The plaintiffs who succeeded partially in a suit for partition are on appeal, challenging the dismissal of the suit in respect of certain items.

2. Pending appeal, the appellants / plaintiffs seeks an order of injunction restraining the respondents from alienating or encumbering those properties in respect of which the suit stands dismissed as of today. Section 52 of the Transfer of Property Act makes any alienation pending suit or proceeding where the right title of interest in immovable property is directly in question subject to result of such suit or proceeding.

3. Even if there is any alienation made by the respondents, the same will be subject to result of the suit. The rights of the appellants will be remain unaffected. Hence, we see no reason to grant an order of injunction as prayed for. Therefore, this petition is dismissed. It is made clear that any alienation will be subject to result of the suit.

[R.S.M., J.] [R.S.V., J.]
25.07.2024

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