



WEB COPY



C.M.P.No. 17647 of 2024

in

A.S.No. 573 of 2024

R.SUBRAMANIAN, J.

AND

C.KUMARAPPAN, J.

The petitioner, whose suit for recovery of money has been dismissed is seeking an order of injunction restraining the respondents from alienating or encumbering his properties.

2.This is a novel method to covert an unsecured debt into a secured debt. The provision invoked is Order 39, Rule 1 of the Code of Civil Procedure. We afraid that Order 39, Rule 1 of Clause (a) & (c) does not enable the petitioner to seek an order of injunction where there is no property in dispute in the suit. Clause (b) of Order 39, Rule 1 would apply only there is a suit under Section 53 of the Transfer of Property Act instituted by the creditors.

3.Admittedly, the suit was filed by the appellant for recovery of money has been dismissed by the Trial Court. Hence, we do not see any reason to grant an order of injunction. This petition is therefore, dismissed.

(R.S.M., J.) (C.K., J.)

13.11.2024

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