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CMP NO. 27485 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE R. SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP NO. 27485 of 2024

AND

AS NO. 1064 OF 2024

S. JAYANTHI

W/O. LATE SURESH, RES. AT NO.16/2, KARUNAM STREET,
VELACHERY, CHENNAI - 042. S. SURESH (DIED) AND 2
OTHERS

APPELLANT(S)

Vs

K. PRATHEEP KUMAR

S/O. KRISHNA NAIR, PLOT NO.6, RAMGIRI NAGAR,
THARAMANI LINK ROAD, VELACHERY, MADRAS -42.

RESPONDENT(S)

Prayer:- Civil Miscellaneous Petition filed under Order 39 Rules 1 & 2 of CPC, to grant interim injunction restraining the respondents and their men and agents or anyone from in any manner to create any encumbrance or alienation in respect of the property more fully described in O.S.No.8602 of 2019 on the file of XV Additional City Civil Court at Chennai, pending disposal of the above Appeal Suit.

For Appellant(s):

S.ARIVAZHAGAN

For Respondent(s):

K. SELVA KUMAR

ORDER

(Order of the Court was made by the Hon'ble R.Subramanian J.)



The petitioners seek an injunction restraining the respondents from alienating the properties, which are the subject matter of the suit in O.S.No.8602 of 2019, on the file of the XV Additional City Civil Court, Chennai.

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2. The said suit was filed for specific performance of an alleged agreement of sale dated 20.06.2000. The suit came to be dismissed by the Trial Court. Any alienation pending suit will be subject to the result of the Appeal. The Trial Court has rendered a finding that the agreement itself was not executed by the defendants. Hence, we do not see any reason for granting an injunction. It is made clear that any alienation will be subject to the result of the Appeal.

3. This petition is dismissed with the above observations.

(R.SUBRAMANIAN J.) (C.KUMARAPPAN J.)
16-12-2024

KV