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*CMP.No.17523 of 2018
in A.S.No.653 of 2018*

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M.SUNDAR, J

and

K.GOVINDARAJAN THILAKAVADI, J

(Order of the Court was made by **M.SUNDAR, J**)

This order will now dispose of captioned 'Civil Miscellaneous Petition' ['CMP' for the sake of brevity].

2. 'Captioned main Appeal' ['AS.No.653 of 2018'] arises out of a specific performance suit being O.S.No.52 of 2015 on the file of 'II Additional District Judge's Court, Vellore at Ranipet' [hereinafter 'said Trial Court' for the sake of convenience and clarity]. To be noted, suit was originally O.S.No.113 of 2015 on the file of Principal District Judge's Court, Vellore and it was subsequently transferred to said Trial Court.

3. As already alluded to supra, suit is for specific performance. Plaint was presented on 26.10.2015. Institution of suit was on 30.10.2015 and after full contest, suit was dismissed vide judgment and decree dated 23.04.2018 made by said Trial Court. Plaintiff is on appeal in the main AS.

4. As regards captioned CMP, almost half a decade ago (to be precise on 11.03.2019) Hon'ble predecessor Bench made the following order:



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C.M.P.No.17523 of 2018
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M.M.SUNDRESH, J
and
C.SARAVANAN, J

(Order of the Court was made by **M.M.SUNDRESH, J**)

Appellant is the plaintiff in the suit filed for specific performance. The Trial Court dismissed the suit and hence the present appeal. Pending the appeal, this petition has been filed inter alia alleging that the respondent is attempting to alienate and encumber the suit property.

2.Despite service of notice and the name of the respondent having been printed in the cause list, there is no representation on behalf of the respondent.

3.Considering the submissions made and in order to avoid any third party interest, there shall be an order of interim injunction as prayed for.


(M.M.S.J) (C.S.N.J.)
11.03.2019

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5. Aforementioned interim order is operating and Mr.J.D.Srikanth Varma, learned counsel representing the counsel on record for the sole



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respondent submits on instructions that no third party interest has been created qua suit property. This submission is recorded.

6. The main AS is ripe for being heard out and today, Mr.S.Salai Geethan, learned counsel for petitioner/appellant requests for a short accommodation citing difficulty for arguing counsel.

7. In the light of the narrative thus far, interim injunction granted on 11.03.2019 is made absolute and captioned CMP is disposed of in this manner. There shall be no order as to costs.

[M.S., J] [K.G.T., J]
12.02.2024
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