



CMP(MD) No.2654 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD) No.2654 of 2024

in

SA(MD) No.491 of 2022

A.THANGASAMY

... Petitioner / 1st Respondent

Vs

AYYANAL AMMAL (DIED)

KAMATCHIGOUNDER(DIED)

1. SELVI

2 PALANIAMMAL

3 SAROJA

4 MEENAKSHI

5 SUTHANTHIRADEVI

... Respondents 1 to 5 / Appellants

6 R.RAJENDRAN

7 P.MAYIL

... Respondents 6 & 7 / Respondents 2 & 3

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to



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directing the respondents not to alienate the appeal mentioned properties till the disposal of the second appeal.

Prayer in SA(MD). 491/ 2022 :

Second Appeal filed under Section 100 of Civil Procedure Code, to pass a judgment and decree setting aside the judgment and decree dated 30-08-2019 passed in the appeal in A.S.No.9 of 2006 on the file of the First Additional Subordinate Court, Madurai reversing the judgment and decree dated 30-08-2005 passed in the suit in O.S.No.640 of 2004 on the file of the District Munsif Court, Madurai Taluk at Madurai and thus allowing this appeal and decreeing the suit in entirety with costs throughout.

ORDER : This civil miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.B.BHUVANESHVARI, Advocate for the petitioner and of Mr.J.BARATHAN, Advocate on behalf of the Respondent Nos.1 to 5, the court made the following order:-

The petitioner herein/1st respondent has filed this petition for an interim direction not to alienate the suit mentioned properties till the disposal of the Second appeal.

2. The contention of the petitioner is that pending Second Appeal the Appellants have already alienated the suit property in the year 2022. The subsequent purchaser is further taking steps to alienate the property by dividing the land into housing plot.

3. Therefore, this Petition is allowed. The Appellants and the subsequent



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purchaser shall not encumber or alienate the property further, until disposal of the

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Second Appeal.

sd/-

27/02/2024

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/03/2024

Sub-Assistant Registrar

(C.S. I / II / III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

KSA

To

1.The I Additional Subordinate Judge,
Madurai.

2.The District Munsif,
Madurai Taluk at Madurai.

ORDER

IN

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Date :27/02/2024

ED/ GS /SAR- (05/03/2024) 3P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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