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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HONOURABLE Dr.JUSTICE **ANITA SUMANTH**
and
THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

Original Side Appeal Nos.316 & 317 of 2022
and CMP Nos.22225 & 22233 of 2022

A.Imran
S/o.Abdul Jabbar

... Appellant in both Appeals

-Versus-

S.Kanchana
W/o.B.Shanmugam

... Respondent in both Appeals

Prayer:- Original Side Appeals filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent Act, praying to set aside the common order dated 05.09.2022 passed in O.A.Nos.803 & 802 of 2021 in C.S.No.360 of 2021.

For Appellant in both appeals : Mr.Arun Anbumani for Mr.P.Rajkumar

For Respondent in both appeals : Mr.C.T.Mohan Senior Counsel for Mr.S.R.Karthikeyan

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COMMON JUDGMENT

*(Judgment of the Court was delivered by **C.KUMARAPPAN, J**.)*

The present two OSAs are against the order of injunction granted by the learned Single Judge in OA.Nos.802 & 803 of 2021 restraining the present appellant not to interfere with the possession and enjoyment of the suit schedule property and also restraining him from alienating or encumbering the suit property.

2. The main contention put forth by the learned counsel for the appellant is that in view of Section 53A of the Transfer of Property Act, the very order of injunction in the absence of a registered agreement is contrary to law, which contention was objected by the learned Senior Counsel appearing for the respondent.

3. At this juncture, it is pertinent to mention that in view of pendency of OSAs for a period of more than 2 ½ years, there is no progress in the suit. Further, it is pertinent to mention here that the order of injunction was stayed by this Court on 21.12.2022 and the same is in force till today.

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Therefore, at this length of time, we do not want to go into the merits of the matter and would like to close the present OSAs with a request to the learned Single Judge to dispose of the matter as expeditiously as possible.

4. At this juncture, the learned counsel for the respondent would submit that there was a direction against the appellant herein to file a typed set of papers including documents for realization of the cheque issued. This direction naturally has to be complied by the appellant herein while proving his case.

5. In the result, these OSAs are closed. Further, the stay granted on **22.12.2022** is extended for a period of another six(6) months from today. In the meanwhile, the parties are directed to proceed with the suit for early disposal preferably, within a period of six (6) months. There shall be no order as to costs. Consequently, connected CMPs are also closed.

(Dr.ANITA SUMANTH, J.) (C.KUMARAPPAN, J.)
04.04.2025

Index : Yes/No
Neutral Citation : Yes/No

Speaking order/Non-Speaking Order
kmi

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Dr.ANITA SUMANTH, J.
and
C.KUMARAPPAN, J.

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To
The Sub Assistant Registrar,
Original Side,
High Court of Madras.

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