



CMP(MD) NO. 2933 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CMP(MD) NO. 2933 of 2023
AND
AS(MD) NO. 45 OF 2023

N.Vairamani
S/o.S.Nallathathurai,
D.No.168, New Santhiapettai Vadakku, Karaikudi and Taluk,
Sivagangai District.

Petitioner(s)

Vs

M.Santhamuthu
W/o.Muthu,
D.No.28A, Church 5th Street,
T.T.Nagar, Karaikudi Taluk,
Sivagangai District. and another

Respondent(s)

For Petitioner(s):
M/s.S.Kumar

For Respondent(s):
Mr.R.Devaraj for R1
Mr.RM.Arun Swaminathan for R2



CMP(MD) NO. 2933 of 2023

WEB COPY

ORDER

(Order of the Court was made by the Hon'ble Rmt.Teekaa Raman J.)

This Civil Miscellaneous Petition is filed to pass an order of interim injunction restraining the respondents from alienating or encumbering the suit property which is subject matter of suit in O.S.No.43 of 2018 on the file of the Additional District Court, Sivagangai.

2.The plaintiff is the petitioner/appellant herein. He filed a suit in O.S.No.43 of 2018 for specific performance of the suit sale agreement (Ex.A1). A written statement was filed before the trial Court disputing the ready and willingness and also stated that the second defendant is no way connected with the suit sale agreement. After trial, the learned Additional District Judge has come to the conclusion that the sale agreement itself is an unregistered one and the second defendant is not a necessary party and the plaintiff has failed to prove his readiness and willingness to perform his part of the contract in terms of Section 16(c) of the Special Relief Act and hence, we find that there is no merit in this petition.

3.Accordingly, this Civil Miscellaneous Petition is dismissed for the present.



CMP(MD) NO. 2933 of 2023

4. Post the main appeal for final hearing in the 2nd Week of July 2025.

WEB COPY

sd/-
27/01/2025

/ TRUE COPY /

/02/2025

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
THE ADDITIONAL DISTRICT JUDGE,
SIVAGANGAI.

ORDER
IN
CMP(MD) NO. 2933 of 2023
AND
AS(MD) NO. 45 OF 2023
Date :27/01/2025

SA/GSV/SAR. /04.02.2025/3P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.