



WEB COPY

OA No. 424 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OA No. 424 of 2025

Mr. L.A.P. Parthiban

S/o.Parthasarathy, No.32, Bajanai Kovil Street,
Chennai - 600 099..

..Applicant(s)

Vs

1. Mrs. Kasturi and 2 others

S/o.V.Munuswamy, No.14/24, Selli Amman
Kovil, 2nd Street, Baasiyam Reddy Colony,
Peravallur, Chennai - 600 082.

2. The Sub Registrar

Sembium Sub Registrar Office, 340, Paper
Mills Road, Jagannathan Colony, Perambur,
Chennai - 600 011.

3. The Inspector General of Registration

100, Santhome High Road, Chennai - 600 028.

..Respondent(s)

PRAYER: The Original Application has been filed under Order XIV Rule 8 of
Original Side Rules read with Order XXXIX Rule 1 and 2 of Code of Civil
Procedure praying to grant an ad interim Injunction restraining the



Respondent/Defendant or persons claiming under them from transferring, alienating, encumbering or further creating and third party rights in respect of the suit property pending disposal of the above suit.

For Applicant(s): M/s. K. Chandru

For Respondent(s):

ORDER

The Original Application has been filed to grant an ad interim Injunction restraining the Respondent/Defendant or persons claiming under them from transferring, alienating, encumbering or further creating and third party rights in respect of the suit property pending disposal of the above suit.

2. According to the applicant, he is the Plaintiff in the main Suit, which is filed for directing the 1st defendant to execute an unregistered Sale Deed in respect of the Suit property in favour of the Plaintiff and alternatively directing the 1st defendant to refund a sum of Rs.92 lakhs with interest @ 24% p.a. The Suit has been filed alleging that the Plaintiff and the 1st defendant entered into an agreement on 22.11.2023 agreeing to sell the property for a total sale consideration of Rs.1,55,00,000/- and on the date of agreement itself, a sum of Rs.92 lakhs was paid and the same was endorsed in the document dated 28.02.2024. The remaining amount of Rs.63 lakhs has to be paid. The Plaintiff is ready to pay the above said remaining amount. The 1st defendant is evading



from execution of Sale Deed and also attempting to alienate the properties.

Therefore, the applicant has filed this application.

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3. The respondents have denied the averments made in the Plaint. They strongly objected the application on the ground that the main Suit itself is not maintainable and Plaintiff, being the owner of the property, has a right to alienate the property. There was a loan transaction between the parties and no sale agreement was entered as alleged in the Plaint. Therefore, the petition is not maintainable and the same is liable to be dismissed.

4. This Court heard both sides and perused the entire materials available on record.

5. This application has been filed by the applicant to grant interim injunction restraining the respondents from alienating or encumbering or further creating any third party rights in respect of the suit property. The Suit is filed for specific performance of contract. According to the applicant, he filed the main Suit for the relief of specific performance of contract and during the pendency of the Suit, the respondents are making attempts to alienate the properties. Since the Suit is filed for the relief of specific performance of contract and there are no records to show that the respondents are making attempts to alienate the properties and as on date, no any alienation was made,



no cause of action arose to file this application. Even if any alienation is made during the pendency of the Suit, it is subject to the outcome of the result of the Suit and it is hit by *principle of lis pendens under Section 52 of Transfer of Property Act*.

6. With the above observations, this original application is ***disposed of***.

29-01-2026

MJS

To

1. The Sub Registrar
Sembium Sub Registrar Office,
340, Paper Mills Road, Jagannathan Colony,
Perambur, Chennai - 600 011.
2. The Inspector General of Registration
100, Santhome High Road, Chennai - 600 028.



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P.DHANABAL, J.

MJS

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