



WEB COPY

OA No. 679 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OA No. 679 of 2024

Balan And 25 Others

S/o Jagathammal Kuppusamy Pillai,

..Applicant(s)

Vs

Sandhanam And 33 Others

..Respondent(s)

PRAYER: This Original Application has been filed under Order XVI Rule 8 of Original Side Rules read with Order XXXIX Rule 1 and 2 of Civil Procedure Code to pass an order of permanent injunction restraining the 11th Respondent from alienating the suit property, an extent of 11600 Sq.ft i.e. 4.09 grounds (40 x 290) comprised in Pie Mass No.996 now as a Survey No.110/4, bearing Patta No.599, bearing Door No.110 and 108, Valmiki Street, Thiruvanmiyur, Chennai 600 041, pending disposal of the suit.

For Applicant(s):

M/s.G.Ranganathan

For Respondent(s):

Mr. L. Dhamodharan [for R1 to R5, R10, 12, 14, 16 to 18 and 32 to 34]

Mr. Kavinilavan for

Mr. K. Raghuraman [R21, R22, R25, R26, R28, R30 and R31]



ORDER

This Original Application has been filed by the applicants to grant permanent injunction restraining the 11th respondent from alienating the Suit property pending disposal of the Suit.

2. According to the applicants, they are the Plaintiffs in the main Suit, which is filed for partition and for permanent injunction. The applicants are legal heirs of one Ponna Pillai through first wife, who is the owner of the property and the respondents are the legal heirs of said Ponna Pillai through second wife. The said Ponna Pillai died intestate leaving behind the Plaintiffs and defendants as his legal heirs to succeed his estate. When the Plaintiffs insisted the defendants for amicable partition, they failed to do so. Therefore, they issued a notice dated 09.07.2018 and respondents gave evasive reply dated 02.08.2018. Thereafter, they filed a Suit in C.S. No.429 of 2019 and the same was withdrawn and dismissed on 31.03.2023 and now filed this Suit. During the pendency of the Suit, the defendants are attempting to alienate the Suit property and therefore, filed this application.

3. The respondents strongly objected to grant interim injunction on the grounds that they are absolute owners of the property and the Plaintiffs are not entitled to any relief. Therefore, prayed to dismiss the petition.



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

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5. The applicants / Plaintiffs have filed the Suit for partition claiming share over the properties. The applicants who are the Plaintiffs, have to prove prima facie case for grant of interim injunction, but no prima facie case made out and no sufficient documents produced to make out the prima facie case. The respondents denied the averments made in the affidavit and the respondents have not attempted to alienate the property during the pendency of the Suit. If any alienation is made, during the pendency of the Suit, it is hit by the principle of *lis pendens* under Section 52 of Transfer of Property Act and the respondents are bound by the result of the Suit. If any alienation is made, then it is subject to the outcome of the result of the Suit. So far, no any alienation is made and as on date, there is no any⁷ encumbrance over the property. Therefore, if any alienation during the pendency of the Suit, it will hit the principle of *lis pendens*.

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

MJS

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P.DHANABAL, J.

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