



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

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CORAM

**THE HONOURABLE DR JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**C.M.P. No. 26304 of 2025
in A.S.No.1081 of 2025**

1. M.M.M.Thiyagaraj
S/o.K.MalaiMegum, No.543, Lakshmi
Amman Koil Street, Balaji Nagar,
Thandalkazhani, Puzhal,
Chennai 600066

Appellant(s)

Vs

1. C. Kannan
S/o.V.K.Chellam, No.841, 25th Street,
Bakthavatchalam Colony, Vyasarpadi,
Chennai 600039

2.Y. Velu
S/o. Yagappan, No.33/11, First Main
Road, Thiruvalluvar Nagar,
Kodungaiyur, Chennai 600 118.

Respondent(s)

PRAYER



The Civil Miscellaneous Petition is filed under Section 96 of the Civil Procedure Code, 1908, to grant an order of interim injunction, restraining the 1st respondent from alienating or encumbering the suit schedule property, which is suit matter in O.S.No.3938 of 2020, on the file of III Additional Judge, City Civil Court, Chennai pending disposal of the above appeal.

For Appellant(s): Mr. C.Prabakaran

ORDER

(Order of the Court was made by Dr. G. JAYACHANDRAN J.)

The present appeal has been filed against the judgment and decree passed by the trial Court in a suit for specific performance, declining the relief of specific performance, however, granted an alternative relief of refund of the advance amount.

2. The learned counsel appearing for the petitioner/appellant brought to the notice of this Court that even the alternative relief granted by the trial Court is without application of mind, since the money advanced has now been directed to be recovered from the Power Agent and not from the Principal.

3. Since there is an apparent error in the decree passed by the Court below, we are of the view that *status quo* as on today shall be maintained for a period of three (3) weeks. In the meanwhile, the petitioner / appellant shall take private notice on the respondents for their appearance on 18.12.2025, either in



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person or through counsel.

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4. Post the matter on 18.12.2025.

[Dr.G.J., J.] [M.S.K., J.]

27.11.2025

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To

The III Additional Judge,
City Civil Court,
Chennai.



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Dr.G.JAYACHANDRAN, J.
and
MUMMINENI SUDHEER KUMAR, J.

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