

CMP(MD) No. 11286 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-07-2025

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

CMP(MD) No. 11286 of 2025

IN

SA(MD)No. 325 of 2025

Vijayaraj

... Petitioner / Appellant

Vs

1.Kosalaiammal

2.Jegadeesan

3.Jayapaul

4.Velraj

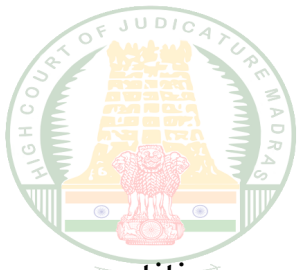
... Respondents

Prayer : This Civil Miscellaneous Petition is filed under Order 39 Rule 1 and 2 of C.P.C., to grant an order of interim injunction restraining the respondents 2 and 3 from in any manner alienating or encumbering the 1st schedule of properties subject of A.S.No.118 of 2021 and A.S.No.42 of 2022 on the file of the Additional District Court, Tenkasi and O.S.No.34 of 2012 on the file of the Subordinate Court, Sankarankovil, pending disposal of this Second Appeal.

For Appellant : Mr.H.Lakshmi Shankar

ORDER

Learned counsel for the petitioner / appellant argued that the suit filed for



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partition came to be decreed for both the items of the schedule properties. However, the lower appellate Court had reversed the decree in respect of the first item holding that it is an absolute property of the defendant through purchase and the joint family status has not been established. Learned counsel submits that in view of the lower appellate Court decree, there is a possibility that the property could be encumbered.

2. However, the learned counsel taking notice of respondents 1 to 3 submits that since business activities are going on, they will not alienate the first item of the suit property, pending appeal.

3. The same is recorded.

4. Issue notice to the fourth respondent returnable in eight weeks. Private notice is also permitted.

5. For filing counter, post after eight weeks.

sd/-
22/07/2025

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/ /2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

1.The Additional District Judge, Tenkasi.

2.The Subordinate Judge, Sankarankovil.

+1 CC to M/s.S.KADARKARAI, Advocate (SR-7881[I] dated 22/07/2025)

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-7907[I] dated 22/07/2025)

ORDER
IN
CMP(MD) No.11286 of 2025
IN
SA(MD) No.325 of 2025
Date :22/07/2025

SBN/28.07.2025 3P/5C

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