



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CMA No. 1828 of 2026
and CMP No.14483 of 2026**

Yamuna Devi
W/o. Thiru Sriyanthan

Appellant(s)

Vs

1. P.G.Sathis
S/o.N.K. Gopal

2.N.K.Gopal (DIED)
S/o.Karuppa Gounde

3.K.G.Gowri
D/o.N.K.Gopal

4.Maragadhamani
W/o.N.K.Gopal

R2 Died, RR1, 3 and 4 are already on
record as LRS of the deceased R2
memo recorded vide order of Court
dt.3.7.2026 in CMA.1828/26 (NAVJ)

Respondent(s)

PRAYER

Appeal filed under Order XLIII Rule 1 (r) of CPC, 1988, to set aside the fair and decreetal order made in IA No.79 of 2017 in OS No.04 of 2017, dated 02.11.2017, on the file of the III Additional District and Sessions Judge, Gobichettipalayam, Erode.



For Appellant(s): Mr.D.Veerasekharan

For Respondent(s): Mr.C.Ramaraj
for Mr.S.Arun Prasath for R1

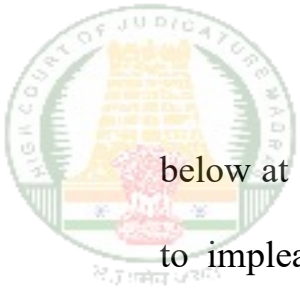
Mr.S.Satchithanantham for R3

JUDGMENT

This appeal has been filed under Order XLIII Rule 1 (r) of CPC, 1988, against the order and decreetal order passed in IA No.79 of 2017 in OS No.04 of 2017, dated 02.11.2017, on the file of the III Additional District and Sessions Court, Gobichettipalayam, Erode .

2.The 1st respondent is the plaintiff. The plaintiff filed the suit in OS.No.4 of 2017, seeking for the relief of partition and allotment of 1/3rd share in the suit property and for other reliefs. Along with the suit, the plaintiff filed IA.No.79 of 2017 under Order XXXIX Rule 1 and 2 and Section 151 of CPC, for an interim injunction restraining the defendants from in any manner alienating or encumbering the suit property. The III Additional District and Sessions Court, Gobichettipalayam, Erode passed an order dated 2.11.2017 allowing the application.

3.The appellant was a third party in this suit. The appellant became aware of the filing of the suit and the interim injunction passed by the Court



below at a later point of time. Accordingly, the appellant filed IA.No.2 of 2021 to implead herself as a party to the proceedings and the same came to be allowed by an order dated 22.10.2024.

4.The grievance of the appellant is that the suit property was sold to the appellant as early as on 04.08.2017, by the 1st defendant and the appellant was never informed about the pendency of the proceedings or the filing of IA.No.79 of 2017, seeking for interim injunction. Immediately after the appellant came to know of the same, the appellant has moved this appeal before this Court challenging the order passed in IA.No.79 of 2017.

5.This Court heard the learned counsel for the appellant and the learned counsel for R1 and R3. This Court has carefully considered the submissions made on either side and the materials available on record.

6.It is brought to the notice of this Court that the suit is now at the stage of trial. The order that has been put to challenge in this appeal is of the year 2017. Therefore, no useful purpose will be served in prosecuting this appeal. Whatever is a right of the appellant over a suit property can be worked out before the trial Court in the suit. Hence, this Court is inclined to direct the trial Court to complete the suit within a time frame since the suit is of the year 2017. It is also brought to the notice of this Court that the 4th respondent herein has



also filed a suit for partition in OS.No.540 of 2024 and the same has been tagged along with OS.No.41 of 2017 and pending before the Court below.

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7.In the light of the above discussion, this Court is not inclined to interfere with the order passed in I.A.No.79 of 2017 dated 02.11.2017. There shall be a direction to the III Additional District and Sessions Judge, Gobichettipalayam, Erode, to dispose of the suit in OS.No.4 of 2017 and OS.No.540 of 2024, within a period of six months from the date of receipt of a copy of this order.

8.This Civil Miscellaneous Appeal is disposed of in the above terms. No costs. Consequently, Connected miscellaneous petition is closed.

06-08-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
kp



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To

III Additional District and Sessions Court,
Gobichettipalayam, Erode



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N.ANAND VENKATESH J.

kp

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