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CRP No. 1196 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 1196 of 2025
AND
CMP NO. 7220 OF 2025**

1. R.Vasanthi
2. R.Sangeeth Kumar

... Petitioners

Vs

1. S.Gunaselvan
2. S.Gowri
3. S.Gokila

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order dated 12.04.2024 in CMA.No.26 of 2023, on the file of the 2nd Additional Sub Judge of Coimbatore reversing I.A.No.2 of 2023 in O.S.No.72 of 2023 on the file of the V Additional District Munsif, Coimbatore.

For Petitioner:

Mr.Babu Rangasamy
for M/s.Babu Rangasamy Associates

For Respondents:

No Appearance [R1]
Mr.S.Thangavel [R2 & R3]



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ORDER

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This Civil Revision Petition has been filed challenging the impugned order dated 12.04.2024 passed in C.M.A.No.26 of 2023 on the file of the II Additional Sub Court, Coimbatore.

2. Under the impugned order, the interim injunction granted in favour of the petitioners by the trial court, namely V Additional District Munsif Court, Coimbatore in I.A.No.2 of 2023 in O.S.No.72 of 2023, has been reversed by vacating the interim order. The suit was filed by the petitioners/plaintiffs against the respondents/defendants seeking interim injunction to restrain the respondents from interfering with the peaceful possession and enjoyment of the suit schedule property by the petitioners. During the pendency of the said suit, the petitioners have filed an interlocutory application in I.A.No.2 of 2023 in O.S.No.72 of 2023 before the V Additional District Munsif Court, Coimbatore seeking interim injunction against the respondents. I.A.No.2 of 2023 in O.S.No.72 of 2023 was allowed by the V Additional District Munsif Court, Coimbatore in favour of the petitioners and by the said order, interim injunction was granted in favour of the petitioners. Aggrieved by the same, the



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respondents have preferred an appeal in C.M.A.No.26 of 2023 on the file of the II Additional Sub Court, Coimbatore. Under the impugned order dated 12.04.2024, the II Additional Sub Court, Coimbatore reversed the order passed by the trial court in I.A.No.2 of 2023 in O.S.No.72 of 2023, by vacating the interim injunction granted in favour of the petitioners. Aggrieved by the same, the petitioners have filed this revision before this Court.

3. The petitioners claim that the respondents have placed reliance on an unregistered instrument (Ex.D.9) for the purpose of claiming right to use the cart track, which is the subject matter of dispute between the petitioners and the respondents. According to the petitioners, the said unregistered instrument is inadmissible in evidence and therefore, based on the said document, the lower appellate court ought not to have reversed the order passed by the trial court by vacating the interim injunction granted in favour of the petitioners. However, while allowing the appeal filed by the respondents, the II Additional Sub Court, Coimbatore has observed that the unregistered instrument relied upon by the respondents can be relied upon for a collateral purpose and therefore,



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the respondents' right to use the cart track cannot be defeated and on that ground, the interim injunction granted by the trial court has been vacated.

4. On the earlier occasion, i.e., on 12.06.2026, when this revision came up for hearing, a suggestion was put by this Court to the learned counsel for the petitioners as to whether this Court can direct the trial court to dispose of the main suit, within a time frame to be fixed by this Court in the interest of both the parties by not interfering with the impugned order and leaving it open for both the parties to agitate their respective rights in the main suit.

5. Today (10.07.2026), learned counsel for the petitioners has not raised any serious objection if a direction is issued by this Court to dispose of the main suit, within a time frame to be fixed by this Court. Being a dispute involving family members, and that too, when the interim relief sought by the petitioners and the main relief being one and the same, this Court is of the considered view that, at this stage, the question of interfering with the impugned order passed by the lower appellate court does not arise when the suit itself is ripe for trial.



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6. Accordingly, without interfering with the impugned order passed by the lower appellate court, this Court, directs the V Additional District Munsif Court, Coimbatore to dispose of the suit in O.S.No.72 of 2023, within a period of five (5) months from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

10-07-2026

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

- 1.The II Additional Sub Court, Coimbatore.
- 2.The V Additional District Munsif, Coimbatore.



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ABDUL QUDDHOSE J.

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