



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1234 of 2022

and

C.M.P.No.8875 of 2022

V.S.Ravichandran

... Petitioner/Plaintiff

Vs.

1. V.Balasubramanian

2. Gomathi

... Respondents/Defendants

Prayer: Civil Miscellaneous Appeal filed under Order XLIII Rule (1)(r) of CPC, to set aside the Docket order passed by the Learned Judge in I.A.No.2 of 2021 in O.S.No.166 of 2021 dated 18.04.2022 on the file of the I Additional District Judge, Coimbatore.

For Petitioner : Mr.S.Murugan

For Respondents : No appearance

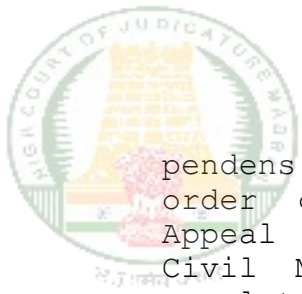
ORDER

There is no merit in the present Civil Miscellaneous Appeal filed in as much as the suit itself is mature for trial. The Petitioner appears to have entered into a sale agreement with the Respondents who are the Defendants in suit filed by the Petitioner for specific performance in O.S.No. 166 of 2021 before the I Additional District Judge at Coimbatore. In the said suit, the Respondents/Defendants have also filed their written statement.

2. The Petitioner had filed an application under Order XLIII Rule (1)(r) of CPC to restrain the Respondents/Defendants from alienating the suit property in I.A.No. 2 of 2021. The said IA has been closed with the following observation,

"Suit is ripe for trial. Hence the petition is closed without prejudice to either side."

3. Considering the above, I am inclined to dismiss this Civil Miscellaneous Appeal, as the right of the Petitioner is adequately protected by the said order. Any purchase by any person during the pendency of the suit will be hit by lis-



pendens. Therefore there is no necessity to pass separate order of injunction. Therefore, this Civil Miscellaneous Appeal is dismissed. In view of the dismissal of the present Civil Miscellaneous Appeal, I direct the Trial Court to complete the trial and pass appropriate judgment and decree in the above suit as expeditiously as possible preferably within a period of one year from the date of receipt of a copy of this order.

4. This Civil Miscellaneous Appeal is dismissed with the aforesaid observation. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

gd/mn

To

The I Additional District Judge,
Coimbatore.

C.M.A.No.1234 of 2022

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A.SK(31/05/2022)