



*CMA No.609 of 2025 and
Cross Objection No.24 of 2025*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**CMA No.609 of 2025 and
CMP No.4835 of 2025 and
Cross Objection No.24 of 2025**

In CMA No.609 of 2025

1. A.N.S.Arun Jayakumar
2. R.Arulprakasam
3. P.R.Lingeswaran
4. T.Nagaraj

... Appellants

Vs.

L.Jayamani

... Respondent

Prayer in CMA No.609 of 2025: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of CPC to set aside the fair and final order dated 20.12.2024 made in I.A.No.1 of 2024 in O.S.No.102 of 2024 on the file of the I Additional District Judge, Erode.

In Cross Objection No.24 of 2025

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... Cross Objector

Vs.

1. A.N.S.Arun Jayakumar
2. R.Arulprakasam
3. P.R.Lingeswaran
4. T.Nagaraj

...Respondents

Prayer in Cross Objection No.24 of 2025: Cross Objection filed under Order 41 Rule 22 of CPC to set aside the fair and final order dated 20.12.2024 made in I.A.No.1 of 2024 in O.S.No.102 of 2024 on the file of the I Additional District Judge, Erode. insofar as it restricts the interim injunction for a period of four months and allow the cross objection made in CMA No.609 of 2025.

In CMA No.609 of 2025

For appellants : Mr.M.Guruprasad

For Respondent : Mr.V.Anandhamurthy

In Cross Objection No.24 of 2025

For Cross Objector : Mr.V.Anandhamurthy

For Respondents : Mr. M.Guruprasad

COMMON JUDGMENT



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This Civil Miscellaneous Appeal has been filed challenging the order passed by the learned I Additional District Judge, Erode in I.A.No.1 of 2024 in O.S.No.102 of 2024 dated 20.12.2024, granting temporary injunction directing the parties to maintain status-quo till the disposal of the main suit and also to cooperate for disposal of the suit within a period of 4 months, in default, the injunction granted shall stand vacated.

2. For the sake of convenience, the parties are referred to as per their ranking in the civil miscellaneous appeal.

3. The respondent in the civil miscellaneous appeal is the plaintiff and the appellants are the defendants 14 to 17 in the original suit in O.S.No.102 of 2024 before the Trial Court. The respondent/ plaintiff filed the above said suit for partition seeking 1/2 share in the subject matter of the suit properties. The first defendant in the suit is the mother and 2nd defendant is the brother of the respondent/plaintiff. The 3rd and 4th defendants are the children of the 2nd defendant. According to the respondent/plaintiff, she is having common 1/2 share



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in the suit properties and the defendants 2 to 4 have colluded together and sold item No.7 of the suit property to the defendants 5 and 6 under the sale deed dated 15.12.2021, who in turn executed power of attorney in favour of the defendants 7 to 10, vide power of attorney deed dated 15.09.2022. Subsequently, the defendants 7 to 10 sold the item No.7 of the suit property to the defendants 11 to 13, vide sale deed dated 07.11.2022, who in turn sold the same under two sale deeds, viz one portion to the defendants 14 and 15 and the remaining portion to the defendants 16 and 17 on 13.07.2023.

4. Pending suit, the respondent/plaintiff filed an application seeking injunction restraining the defendants from alienating or encumbering the item No.7 of the suit property. The Trial Court, after enquiry, passed an order of status-quo, directing the parties to maintain status-quo till the disposal of the main suit. Further, the Trial Court directed the parties to co-operate for the disposal of the suit, within four months and it was further ordered that in case of default, the interim order granted shall stand automatically vacated. Aggrieved by the said order, the appellants herein/defendants 14 to 17, filed the instant civil



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miscellaneous appeal and the respondent/plaintiff filed the Cross Objection No.24 of 2025, challenging the portion of the impugned order, vacating the injunction on the expiry of the 4 months period.

5. The learned counsel for the appellants/defendants 14 to 17 would submit that the respondent/plaintiff had knowledge of the alienation made by her brother and his children in the year 2021 itself in favour of the defendants 5 and 6 and therefore, the present suit filed by her is only an attempt to extract money from the appellants, who are all the bonafide purchasers.

6. Whether the respondent/plaintiff had knowledge of the sale by her brother and his children and whether the appellants/defendants 14 to 17 are the bonafide purchasers are all the matters to be decided at the time of final disposal of the suit. However, during the pendency of the suit, the rights of the parties have to be balanced. It is the specific case of the respondent/plaintiff that if the appellants/defendants 14 to 17 are permitted to develop the property and alienate the same to various persons, unnecessarily, the right of the third parties will be crept in and



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ultimately it will affect the right of the respondent/plaintiff at the time of execution. Taking into consideration the balance of convenience, the Trial Court had directed the parties to co-operate for early disposal of the suit within a period of four months.

7. It is stated by the learned counsel for the appellants that immediately after passing of the impugned order by the Trial Court, directing the parties to cooperate for early disposal of the suit, the respondent/plaintiff filed three applications in I.A.Nos.6, 7 and 8 of 2024 seeking leave to file reply statement to the written statement filed by the defendants, to amend the plaint and to condone the delay in producing the documents. In view of the same, the Trial Court could not dispose of the suit within the time fixed by it in the impugned order.

8. Taking into consideration the fact that the respondent/plaintiff filed three applications for filing reply statement, amendment of the plaint and for production of documents etc., this Court feels that the disposal of the suit will take some more time. It is settled law that any alienation made by any one of the parties to the suit is subject to the



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result of the suit by virtue of Section 52 of the Transfer of Property Act.

Therefore, the order of status-quo passed by the Trial Court, which was already vacated by expiry of four months time is modified as follows.

i) It is made clear that any alienation made by the appellants/defendants 14 to 17 pending suit is subject to the result of the suit and the purchasers from the appellants are bound by the decree likely to be passed in the suit.

ii) In case the appellants/defendants 14 to 17 decide to alienate item No.7 of the suit property, pending disposal of the suit, they are directed to include a Clause in the sale deed to the effect that the property covered by the sale deed is the subject matter of the suit in O.S.No.102 of 2024 on the file of the I Additional District Judge, Erode and the sale by them is subject to the result of the suit.

9. The learned counsel for the appellants made a request to this court that time limit may be fixed for early disposal of the suit. Even in the impugned order, the Trial Court directed the parties to cooperate for



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disposal of the suit within a period of four months. ***The Apex Court*** in its decision ***in High Court Bar Association, Allahabad Vs. State of Uttar Pradesh ad others reported in MANU/SC/0149/2024*** held that the Constitutional Court shall not fix a time limit, without taking into consideration the pendency status of the cases before the Trial Court. In such circumstances, this court is not inclined to fix any time limit for disposal of the suit. However, taking into consideration the direction issued in the impugned order and also the circumstances of the case, the Trial Court is directed to dispose of the suit as expeditiously as possible.

10. With the above directions, this civil miscellaneous appeal and the Cross Objection are disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

29.04.2025

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
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To

1. The I Additional District Judge,
Erode.
2. The Section Officer,
V.R.Section, Madras High Court.



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S.SOUNTHAR, J.

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