



WEB COPY



C.R.P.No. 2056 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2025

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.No. 2056 of 2025

and

C.M.P.No. 11978 of 2025

R.Pandian

.. Petitioner

VS

1.K.S.Ravindran

2.K.Gopalsamy

3.V.Gautham

4.R.Duraiyan

5.A.Ramesh

6.S.Palanichamy

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the learned IV Additional District Judge, Coimbatore to dispose of I.A.No. 2 of 2024 in O.S.No. 938 of 2024 on an expedited basis.

For petitioner : Mr.R.Udhaya Kumar

ORDER

Heard learned counsel for the revision petitioner.

2. The revision petitioner filed a specific performance suit in O.S.No. 938 of 2024 on the file of the IV Additional District



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Judge, Coimbatore. The plaintiff also filed I.A.No.2 of 2024 seeking injunction to restrain the defendants from alienating the suit property.

3. It is stated that the ex parte injunction was originally granted. It appears that the requirement set out in Order XXXIX Rule 3 of CPC was not complied with that led to vacating the interim order. It is submitted that the mistake occurred due to the inadvertent error on the part of the counsel concerned. The only request now made is that since the third party rights are being created, IA should be taken up and disposed of on merits. It is stated that all the defendants entered appearance and the pleadings are also complete. I am therefore of the view that there can be no bar for disposing of IA on merits finally.

4. To grant this leave, issuance of notice to respondents is not required. It is stated that IA has been adjourned to 21.07.2025, the learned trial Judge (even if he / she is holding in-charge capacity) is directed to advance the hearing from 21.07.2025 to 09.06.2025 and dispose it of on merits and in accordance with law, within a period of 10 days therefrom. A copy of this order shall be communicated by the petitioner to the respondents. I have made it clear that I have not gone into the merits of the matter.



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5. This civil revision petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

16.05.2025

Index:Yes/No
Neutral Citation:Yes/No
mmi/ssm

Note to Registry : Issue order copy on 20.05.2025.

To

The learned IV Additional District Judge, Coimbatore.



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G.R.SWAMINATHAN, J.

mmi/ssm

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