



WEB COPY

CMP.No.5279 of 2
in A.S.No.292 of 2
and A.S.No.278 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CMP NO. 5279 of 2026
in AS No.292 of 2026
and A.S.No.292 of 2026**

1. Mrs.S.Tharani,
W/o.Late P.Devarajan
2. D.Yamini,
D/o.Late P.Devarajan
3. D.Naveen,
S/o.Late P.Devarajan

..Petitioners

Vs.

1. The Manager,
Indian Bank,
Kadaiyur Branch,
Erode – 638 701.
2. Thirumurthy,
S/o.Ponnan
3. Mrs.Kalaivani,
D/o.Ponnan
4. P.Durairaj,
S/o.Ponnan

..Respondents



Prayer: Civil Miscellaneous Petition filed under Order 39 Rules 1 and 2 of

C.P.C., to pass an order of injunction restraining the 4th respondent herein from alienating the property subject matter of the suit in O.S.No.558 of 2012 on the file of the V Additional District Judge's Court, Coimbatore, more fully described in the schedule below, pending disposal of the above First Appeal.

For Petitioner : Mr.C.R.Prasanan

For Respondents/ : Mr. R.Ramesh Babu [R4]
caveator

Order

Heard Mr.C.R.Prasanan, learned counsel for the petitioner and Mr.R.Ramesh Babu, learned counsel for the 4th respondent/caveator.

2. Mr.C.R.Prasanan, learned counsel for the petitioner would state that the petitioner is the plaintiff in a suit filed for partition, which has been dismissed and as against the same, the present appeal suit has been filed.

3. Considering the fact that the legatee and beneficiary under the Will dated 14.09.2007, whose right has been upheld by the Trial Court, is already on caveat, it is needless to state that any encumbrance or alienation will be subject to Section 52 of Transfer of Property Act, 1882.



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4. Accordingly, this Civil Miscellaneous Petition is closed. No costs.

Post the Appeal Suit for final hearing on 08.04.2026.

25-02-2026

mp

To
The V Additional District Judge,
Coimbatore.



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P.B. BALAJI

mp

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