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C.M.P.Nos.12210 and 2795 of 2026
in S.A.No.94 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.P.Nos.12210 and 2795 of 2026
in S.A.No.94 of 2026

C.M.P.No.12210/2026:

S.V.S.PROPERTIES

Represented by its Partner T.Velumurugan
S/o. Thambi Gounder
No. 3/527 A, Mettupalayam Road,
K.Vadamadurai,
Coimbatore 641 017.

... Petitioner

vs.

1.R.Nanjammal

2.S.Chinna Papa @ R.Vellaiyammal

3.S.Saraswathy

4.M.Kavitha

5.G.Punithavathy

... Respondents

PRAYER: Civil Miscellaneous Petition is filed under Order 39 Rule 1 and 2 of the Code of Civil Procedure, to vacate the interim injunction order of Status Quo dated 09.02.2026 in C.M.P.No.2795 of 2026 in S.A.No.94 of 2026 on the file of this Court.



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in S.A.No.94 of 2026

For Petitioner : Mr.S.Kaithamalai Kumaran
For R1 : Mr.V.P.K.Gowtham
For R2 : M/s.P.V.Law Associates
For R3 to R5 : M/s.Sarvabhuaman Associates

C.M.P.No.2795/2026:

R.Nanjammal ... Appellant/Petitioner
vs.

1.S.Chinna Papa @ R.Vellaiyammal

2.S.Saraswathy

3.M.Kavitha

4.G.Punithavathy

5.S.V.S.PROPERTIES

Represented by its Partner T.Velumurugan

S/o. Thambi Gounder

No. 3/527 A, Mettupalayam Road,

K.Vadamadurai,

Coimbatore 641 017.

... Respondents

*(R5-Impleaded as party respondent Vide Court order dated
04.06.2026 made in CMP.No.12205/2026 in SA.No.94/2026)*

PRAYER: Civil Miscellaneous Petition is filed under Order 39 Rule 1 and 2 of the Code of Civil Procedure, to grant an order of interim injunction respondent not to alienate any of the suit properties in O.S.No.1514 of 2015 on the file of Principal Subordinate Court, Coimbatore pending disposal of the present Second Appeal.

For Appellant/Petitioner : Mr.V.P.K.Gowtham



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COMMON ORDER

The 1st respondent/R.Nanjammal filed a suit against the respondents 2 to 5 to set aside the Partition Deed dated 15.12.1993 entered into between the respondents 1 to 3. The 1st respondent/R.Nanjammal also sought for fresh partition and allotment of 1/3rd share in her favour. She also prayed for declaration that subsequent Settlement Deed dated 18.09.2008 by 2nd defendant in favour of the respondents 3 and 4 were null and void. She also sought for permanent injunction restraining the defendants from altering the physical features by putting up construction or otherwise.

2. The 2nd respondent/1st defendant filed an application under Order VII Rule 11 and Section 151 of the Code of Civil Procedure seeking to reject the plaint on the ground of limitation. The said application was allowed by the Trial Court and plaint got rejected. Challenging the same, the 1st respondent preferred an appeal in A.S.No.12 of 2020 on the file of the IV Additional District and Sessions Court, Coimbatore. The First Appellate Court affirmed the findings of the Trial Court. Aggrieved by the same, the 1st respondent/R.Nanjammal filed the present second appeal.



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3. The 1st respondent/R.Nanjammal sought for injunction restraining the other respondents from alienating the suit property pending disposal of the second appeal in C.M.P.No.2795 of 2026.

4. At the time of admission, this Court passed interim order in the injunction application filed by the 1st respondent on 09.02.2026 in C.M.P.No.2795 of 2026 directing the parties to maintain *status quo*.

5. The petitioner herein, who was subsequently impleaded in the second appeal as 5th respondent filed the instant application in C.M.P.No.12210 of 2026 seeking vacation of the interim order.

6. According to the petitioner, the first appeal was disposed of on 12.10.2020 and the second appeal was filed by the 1st respondent on 31.01.2022. However, no steps have been taken to number the same immediately. Ultimately, it was numbered only on 03.02.2026. In the interregnum period, the petitioner purchased portion of the suit property namely 1 acre out of 2.01 acres allotted to the share of 1st defendant in impugned Sale Deed on 17.05.2023. It is further stated that the petitioner formed a layout in the purchased land called 'Kumaran Nagar' with 22



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plots. Out of 22 plots formed by the petitioner, 18 plots were already sold.

At this stage, the interim order came to be passed. Therefore, the petitioner has come before this Court.

7. The learned counsel appearing for the petitioner would further submit that after obtaining interim order from this Court, the 1st respondent issued a notice to the purchasers from the petitioner and threaten them by saying that they purchased the suit properties pending disposal of the Second Appeal. He further submitted that in view of the said legal notice issued by the 1st respondent, the petitioner is facing difficulties at the hands of purchasers.

8. The learned counsel appearing for the 1st respondent would submit that the Partition Deed dated 15.12.1993 under which 2.01 acres were allotted to 2nd respondent herein is very much under challenge in the suit as well as second appeal and hence, the petitioner is not entitled to sell the property purchased by him to third parties. It is also stated alienation by respondents will create third party rights.



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9. It is settled law that any alienation of the subject matter of the suit by parties to the litigation, is subject to the result of the suit as per the doctrine of *lis pendens* recognised under Section 52 of the Transfer of Property Act, 1882. In the case on hand, vacate stay petitioner purchased a portion of the suit properties from the 2nd respondent on 17.05.2023, after presentation of Second Appeal. Subsequently, the second appeal got numbered on 03.02.2026.

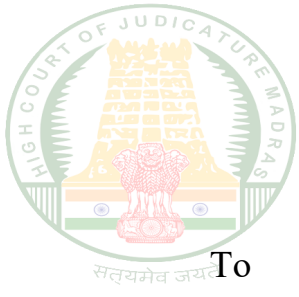
10. In view of the same, the earlier interim order passed by this Court on 09.02.2026 requires to be modified and vacate stay petition as well as injunction petition in C.M.P.Nos.12210 and 2795 of 2026 are disposed of with a clarification that any alienation made by the parties pending litigation is subject to the result of the decree to be passed in this second appeal. It is made clear any alienation of subject matter of Second Appeal will not affect the rights of the parties in any way.

11. List the second appeal for final disposal during 1st week of October, 2026.

12.06.2026

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To

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The Principal Subordinate Court,
Coimbatore.



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S.SOUNTHAR, J.

dm

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