



WEB COPY

CMP NO. 26857 OF 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP NO. 26857 OF 2024

in

AS No. 999 of 2024

1. Unnathal

W/o. late K.Palanisamy Gounder,
No.3/35, Karrukkampalayam Village,
Avinashi Taluk-641654.

2. Suseela

W/o. late Shanmugam,
Residing at No.224, Nehru Street,
Avinashi Post, Avinashi Taluk-641 654

3. Selvi Sonia

D/o. late Shamugam,
Residing at No.224, Nehru Street,
Avinashi Post, Avinashi Taluk-641 654

4. Selvi. Sowmiya

D/o. late Shanmugam,
Residing at No.224, Nehru Street,
Avinashi Post, Avinashi Taluk-641 654

5. Thiru P.Rajendran

S/o. late K.palanisamy Gounder,



No.191, Kovai Stationery and Xerox
Shop, Avinashi-Tiruppur Main Road,
Thirumuganpoondi Post, Avinashi
Taluk-641 654.

P.Ganesan (died)

6. P Natarajan
S/o. Late palanisamy gounder,
No.18/289, Kamarajar Nagar, Cheyur
Road, Avinashi Post, Avinashi Taluk-
641 654.

Sundarambal (Died)

7. Selvi Niranjana
D/o. Arumugham,
Residing at Sundarambal Line House
287, Elanthai Kadai Thottam, Gandhi
Road, near Dr.Arumugam Hospital,
Anupparpalayam, Anupparpalayam
Post, Tiruppur Taluk.

8. Praveen
S/o. Late Arumugham,
Rep by Guardian Mother
Tmt.Sundarambal,
Residing at Sundarambal Line House
287, Elanthai Kadai Thottam, Gandhi
Road, near Dr.Arumugam Hospital,
Anupparpalayam, Anupparpalayam
Post, Tiruppur Taluk

9. Chitra



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W/o. Late P.Ganesan,
Residing at No.228, Nehru Street,
Avinashi Post, Avinashi Taluk-641 654

10. Selvi Bharathi
D/o. Late P.Ganesan,
Residing at No.228, Nehru Street,
Avinashi Post, Avinashi Taluk-641 654

11. Samyuktha
D/o. Late P.Ganesan,
Residing at No.228, Nehru Street,
Avinashi Post, Avinashi Taluk-641 654

Appellant(s)

Vs

1. Maragatham
W/o. late Subrmanian,
Residing at No.1/15A,
karrukampalayam Village, Avinashi
Taluk.

2.Chitradevi
W/o. late S.Devaraj,
Residing at No.1/15A,
karrukampalayam Village, Avinashi
Taluk.

3.Minor. Dharun
S/o. Late S.Devaraj,
Rep by Guardian mother Tmt.
Chitradevi,



Residing at No.1/15A,
Karrukampalayam Village, Avinashi
Taluk.

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4.Minor. Dharnika
D/o. Late S.Devaraj,
Rep by Guardian mother
Tmt.Chitradevi,
Residing at No.1/15A,
Karrukampalayam Village, Avinashi
Taluk.

5.Thirunavukkarasu
S/o. Late Subramaniam,
Residing at No.1/15A,
Karrukampalayam Village, Avinashi
Taluk.

6.K.Kumarasamy
S/o. Late Karuppa Gounder,
Residing at No.1/2-3,
Karrukkampalayam Village, Avinashi
Taluk

7.K Kittusamy
S/o. late Karuppagounder, No.9/41,
Jeeva Nagar, Sathy main Road,
Sirumugai, K.Arumugham(died)

8.A. Dhanalakshmi
W/o. Late Arumugham,
Residing at No.44B, Thennampalayam
Road, Annur, Avinashi Taluk.



9.A Kathirvel

S/o. Late Arumugham,

Residing at No.44B, Thennampalayam
Road, Annur, Avinashi Taluk.

10.A Mounaguru

S/o. late Arumugham,

Residing at No.44B, Thennampalayam
Road, Annur, Avinashi Taluk

11.Ramathal

D/o. Late karuppa Gounder,

No.44B, Thennampalayam Road,
Annur, Avinashi Taluk.

Respondent(s)

PRAYER : This Civil Miscellaneous Petition is filed under Section 151 of Code of Civil Procedure, to stay the operation of the Judgment and Decree dated 18-03-2024 made in O.S.No.238/2014 on the file of the Principal District Court, Tiruppur and thus render justice.

For Appellants : Mr.N.Krishnakumar

For Respondents : Mr.N.S.Suganthan
For R1 to 8 and 10

**ORDER**

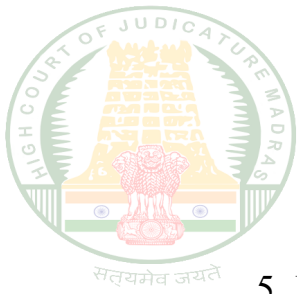
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Heard Mr.N.Krishnakumar, learned counsel for the appellants. Heard Mr.N.S.Suganthan, learned counsel for the respondents 1 to 8 and 10.

2. This Court vide order dated 29.11.2024 has granted interim stay of the operation of preliminary decree.

3. Mr.N.S.Suganthan, learned counsel for the respondents 1 to 8 and 10 would state that the suit is of the year 2014 and atleast the final decree proceeding can go on, so that, the parties will be saved of valuable time, in the event of, the first appeal also been disposed of in future.

4. Mr.N.Krishnakumar, learned counsel for the appellants/petitioners however opposed the request for modification of the order of interim stay and would invite my attention to the order dated 29.11.2024, where this Court has taken into account of all these factors and proceeded to grant an interim stay of the operation of preliminary decree.



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5. I have carefully heard the submissions made by the learned counsel on either sides and perused the materials available on record.

6. Admittedly, two suits were tried together viz., O.S.No.238 of 2014 and O.S.No.121 of 2009. The present appeal is directed against the preliminary decree passed in O.S.No.238 of 2014 and it is also brought to the notice that an appeal has been preferred as against the judgment and decree in O.S.No.121 of 2009 as well, since both the suits were disposed of by a common judgment dated 18.03.2024.

7. This Court, while admitting and taking up the appeal suits, arising from partition decrees, usually grant stay of passing of the final decree and not a blanket stay of entire operation of the preliminary decree.

8. I do not see any special circumstances, warranting a blanket interim stay in the present appeal. Hence, I am inclined to modify the order dated



29.11.2024, restricting into passing of the final decree alone. Therefore, the

interim stay is for passing of the final decree alone and other proceedings upto

the said stage shall go on.

9. In view of the above, this Civil Miscellaneous Petition is disposed of in
the above terms.

10. Post the appeal for hearing after three weeks.

15-09-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Principal District Court, Tiruppur.



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P.B.BALAJI J.
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