

R.SUBRAMANIAN, J.,

This application has been filed seeking stay of the Judgment and Decree passed by the First Additional District Judge, Coimbatore in O.S.No.64 of 2011 pending disposal of the above appeal.

2.A perusal of the decree shows that the plaintiff has been declared as the owner of one half of the share of the suit schedule property and a permanent injunction has been granted in favour of the plaintiff restricting the defendants from interfering with the peaceful possession of the plaintiff, till the suit property is divided between the plaintiff and the first defendant by metes and bounds.

3.Ms.R.Maheswari, learned counsel appearing for the appellant/petitioner would submit that the petitioner is aggrieved by finding of the Trial Court that the plaintiff is entitled to only one half of the share in the suit property.

4.As could be seen from the decree, there is executable decree against the petitioner. Hence the application for stay is misconceived and is liable to be dismissed.

5.Accordingly, the stay petition is dismissed. It is open to the appellant/petitioner to have recourse to any remedy if such remedy is available to her under law, in the event the 1st defendant seeks partition based on the findings in the impugned judgement.

20.10.2016

kp