



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Thirtieth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DURAISWAMY

CMP(MD) No.12440 of 2016
IN
SA(MD) No.899 of 2014

1 RAMAIAH PILLAI
2 KANTHIAH PILLAI

... PETITIONERS/APPELLANTS

Vs

1 SOORIYA NARAYANAN
2 ULAGANATHAN

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of Interim Injunction restraining the Respondents herein, their men, servants etc., from any manner interfering with our peaceful possession and enjoyment of the Petition schedule property which is the subject matter of the suit in O.S.No.143/2008 on the file of Principal Sub Court, Tirunelveli without following due process of law, pending disposal of the main Second Appeal.
(XEROX COPY OF SCHEDULE OF PROPERTY)

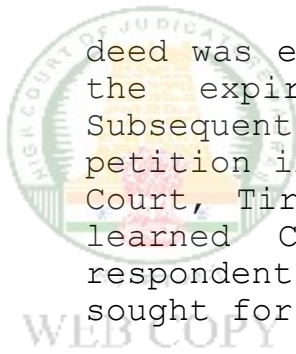
Prayer in SA(MD). 899/ 2014 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to prefer this Memorandum of Grounds of Second Appeal against the Judgment and Decree dated 30.10.2012 passed in A.S.No.42 of 2012 on the file of the III Additional District and Sessions Court, Tirunelveli confirming the judgment and Decree dated 23.12.2011 passed in O.S.No.143 of 2008 on the file of the Principal Sub Court, Tirunelveli.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.NALLATHAMBI, Advocate for the petitioner and of MR.G.SRIDHARAN, for Caveator for the Respondents the court made the following order:-

Heard both sides.

2. The learned Counsel appearing for the petitioners submitted that pursuant to the decree passed in O.S.No.143/2008, the respondents/plaintiffs filed an execution petition and got the sale deed executed in their favour. This Court granted an order of Interim Stay for a period of eight weeks on 06.01.2015 and the sale



deed was executed in E.P.No.71 of 2012 in the year 2016 i.e., after the expiry of eight weeks period granted by this Court. Subsequently, the respondents/plaintiffs have filed an execution petition in E.P.No.7 of 207 on the file of the Principal Subordinate Court, Tirunelveli for taking possession of the suit property. The learned Counsel further submitted that in the case of the respondents/plaintiffs taking possession of the property, the releif sought for in the Second Appeal has become infructuous.

3. In view of the same, I grant an order or interim stay of all further proceedings in E.P.No.7 of 2017 on the file of the Principal Subordinate Court, Tirunelveli till the disposal of the Second Appeal. Accordingly, this petition is closed.

sd/-
30/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI

2 THE PRINCIPAL SUBORDINATE JUDGE, TIRUNELVELI

+1. C.C. to M/S.G.SRIDHARAN Advocate SR.No.4752

+1cc to M/S. D.NALLATHAMBI, ADVOCATE SR.NO. 5240

GJM/MR/VB/SAR-3-1.2.17-2P-5C

ORDER
IN
CMP(MD) No.12440 of 2016
IN
SA(MD) No.899 of 2014
Date :30/01/2017