



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

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.8945 of 2017

IN

AS(MD) No.155 of 2017

ANANTHI

... PETITIONER / APPELLANT

Vs

1 DHANALAKSHMI
2 KASTHUR
3 MURUGAN
4 SENTHIL KUMAR
5 DEIVAPRABHA
6 UMA MAHESWARI
7 ELANGO VAN @ ALAGAPPAN
8 KAMARAJ
9 BASKAR
10 SHOBIYA LOURTHU MARY

... RESPONDENTS / RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the judgment and decree in O.S.No.71 of 2014 on the file of the III Additional District Judge, Thanjavur @ Pattukottai and pass such further or other orders as this Honourable Court

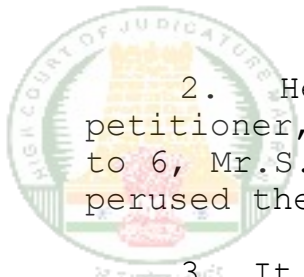
PRAYER IN AS(MD) No.155 of 2017:-

to set aside as against the Judgment and Decree dated 21.04.2017 in O.S.No.71 of 2014 on the file of the III Additional District Judge, Thanjavur @ Pattukottai by allowing this Appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.K.RAMAKRISHNAN, Advocate for the petitioner and of Mr.N.BALAKRISHNAN, Advocate for the petitioners 1 to 6, Mr.S.SIVAKUMAR, Advocate for R7 to R9, R10 not appeared either in person or by an Advocate, the court made the following order:-

(Order of this Court was made by K.KALYANASUNDARAM)

This Civil Miscellaneous petition has been filed to stay the operation of the judgment and decree in O.S.No.71 of 2014 on the file of the III Additional District Judge, Thanjavur @ Pattukottai.



2. Heard Mr.K.K.Ramakrishnan, learned counsel for the petitioner, Mr.N.Balakrishnan, learned counsel for the respondents 1 to 6, Mr.S.Sivakumar, learned counsel for the respondents 7 to 9 and perused the records.

3. It is seen that the plaintiff, who has filed a suit for partition has come up with the present appeal aggrieved over the allotment of lessor share in the suit property. It is contended by the learned counsel for the petitioner that only to save limitation, this petition has been filed.

4. The learned counsel for the respondents would submit that they have not filed any petition for passing final decree.

5. It is a settled law that in a suit for partition, there is no limitation for filing final decree application. In view of the above fact, this civil miscellaneous petition is dismissed.

sd/-
19/12/2017

/ TRUE COPY /

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

TO

THE IIIRD ADDITIONAL DISTRICT JUDGE,
THANJAVUR @ PATTUKOTTAI

+1. C.C. to Mr.K.K.RAMAKRISHNAN Advocate SR.No.36659

JAM/21.12.17/RR/ SAR 4 / 2p-3c

ORDER
IN
CMP(MD) No.8945 of 2017
IN
AS(MD) No.155 of 2017
Date :19/12/2017