



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

Thursday, the Fourteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.BASKARAN

CMP(MD) No.9576 of 2017
IN
SA(MD) No.574 of 2015

1 S.ALAGARSAMY CHETTIAR
2 A.SOMASUNDARAM
3 A.NALLU

... PETITIONERS/ APPELLANTS

Vs

RAMANATHAN

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the E.P.78/2015 in O.S.205 of 2010 on the file of 1st Additional Subordinate Judge, Madurai till the disposal of the Second Appeal and thus render justice.

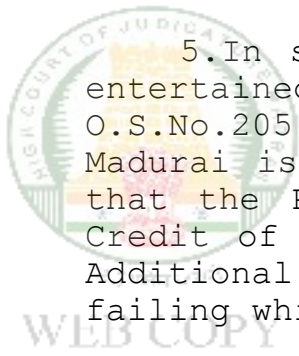
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.MANO HAR, Advocate for the petitioners and respondent not appeared either in person or by an advocate, the court made the following order:-

The petitioners have filed this petition, seeking to stay the E.P.78/2015 in O.S.No.205 of 2010 on the file of the 1st Additional Subordinate Judge, Madurai.

2.Heard, the learned counsel appearing for the petitioners. In spite of the matter being passed over, there is no representation for the respondents.

3.The respondent herein filed O.S.No.205 of 2010 for permanent injunction and the same was decreed and the Judgment and Decree of the Trial Court was confirmed in A.S.No.22 of 2013. Aggrieved over the same, the present Second Appeal is filed. While so, the respondent filed E.P.78 of 2015 on the file of the 1st Additional Sub Court, Madurai for costs before the Trial Court, pending Second Appeal.

4.The learned counsel for the petitioners submitted that they are ready to deposit the entire cost before the Trial Court pending Second Appeal.



5. In such circumstance, the plea of the petitioners are to be entertained and stay of further proceeding in E.P.78 of 2015 in O.S.No.205 of 2010 on the file of 1st Additional Subordinate Judge, Madurai is granted till disposal of the Second Appeal on condition that the Petitioners shall deposit the entire cost amount to the Credit of E.P.78 of 2015 in O.S.No.205 of 2010 on the file of 1st Additional Subordinate Judge, Madurai on or before 22.12.2017, failing which this petition shall stand dismissed automatically.

sd/-
14/12/2017

/ TRUE COPY /

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

TO

1. THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2. THE 1ST ADDITIONAL SUBORDINATE JUDGE, MADURAI.

+1cc to M/S.S.MANO HAR, ADVOCATE, SR NO.36318

ORDER
IN
CMP (MD) No.9576 of 2017
IN
SA (MD) No.574 of 2015
Date :14/12/2017

MS/RM/SAR.1/22.12.2017/2P.4C