



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.9577 of 2017
IN
SA(MD) No.30 of 2016

A.NALLU

... PETITIONER/ APPELLANT

Vs

N.S.SUBRAMANIAN (DIED)

RAMANATHAN

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay further proceedings in E.P.69/2015 in O.S.295/2006 on the file of 1st Additional Subordinate Judge, Madurai till the disposal of the Second Appeal and thus render justice.

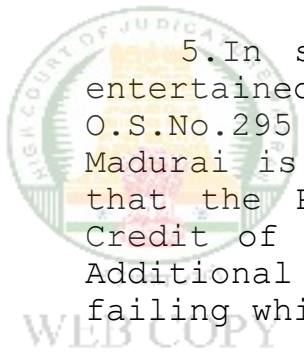
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.MANO HAR, Advocate for the petitioner, and respondent not appeared either in person or by an advocate, the court made the following order:-

The petitioner has filed this petition, seeking to stay the E.P.69 of 2015 in O.S.No.295 of 2006 on the file of the 1st Additional Subordinate Judge, Madurai.

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

3.The respondent herein filed O.S.No.295 of 2006 for declaration and the same was decreed and the Judgment and Decree of the Trial Court was confirmed in A.S.No.23 of 2013. Aggrieved over the same, the present Second Appeal is filed. While so, the respondent filed E.P.69 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 petitioner submitted that the petitioner is ready to deposit the entire cost before the Trial Court pending Second Appeal.



5. In such circumstance, the plea of the petitioner is to be entertained and stay of further proceeding in E.P.69 of 2015 in O.S.No.295 of 2006 on the file of 1st Additional Subordinate Judge, Madurai is granted till disposal of the Second Appeal on condition that the Petitioner shall deposit the entire cost amount to the Credit of E.P.69 of 2015 in O.S.No.295 of 2006 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 & SESSIONS JUDGE,
MADURAI.
2. THE I ADDITIONAL SUBORDINATE JUDGE,
MADURAI.

+1cc to M/S.S.MANO HAR, ADVOCATE, SR NO.36319

ORDER
IN
CMP (MD) No.9577 of 2017
IN
SA (MD) No.30 of 2016
Date :14/12/2017

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