



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

Wednesday, the Thirteenth day of June Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice M.SUNDAR

CMP(MD) No.11805 of 2017
IN SA(MD) No.546 of 2017

THIRUMALAIKOLUNDHU (DIED)

1.SOUNDRAVALLI,
2 VAIRAMANI,
3 KARIKALCHOLAN,
4 ANANTHI,
5 VENGATESHAN,
6 LOMA,
7 ASOKAN,
8 PRABHA,
9 KARTHIGA,

... PETITIONERS/APPELLANTS

Vs

GNANASEKARAN,

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay all further proceedings in EP.No.1 of 2016 in OS.No.305 of 2010 on the file of the Additional Sub Court, Thanjavur pending disposal of the Second Appeal.

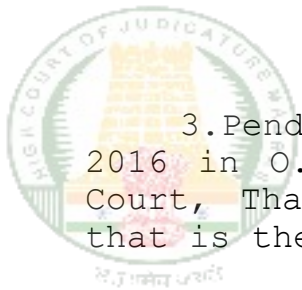
Prayer in SA(MD). 546/ 2017 :

To set-aside the Judgment and decree dated 18/03/2015 passed in AS.No.62 of 2012 by the Principal District Court, Thanjavur by Partly Modifying the judgment and decree dated 23/12/2011 passed in OS.No.305 of 2010 by the Additional Sub Court, Thanjavur and allow the Second 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 M/S.G.KARNAN, Advocate for the petitioner and of MR.R.VIJAYA KUMAR, Advocate for the Respondent the court made the following order:-

Appellants in the main second appeal are the petitioners herein. Sole respondent in the main second appeal is the sole respondent herein.

2.There is no dispute that there is a decree which directs the petitioners herein, to pay certain sums of money to the sole respondent herein. It is also not in dispute that such decree is under challenge in the main second appeal.



3. Pending second appeal, an Execution Petition in EP.No.1 of 2016 in O.S.No.305 of 2010 on the file of Additional Subordinate Court, Thanjavur, has been launched for executing the decree and that is the stimulus for the instant petition.

4. The direction in the decree is to pay Rs.4,25,000/- together with interest from the specified date therein.

5. It is submitted that the aforesaid Execution Petition launched by the decree holder is scheduled to come up before the Executing Court next week.

6. It is submitted that irreparable loss and injury will be caused to the petitioners, if the aforesaid decree is executed and satisfied, pending second appeal.

7. There is no difficulty in accepting this submission.

8. Both the learned Counsel agree to argue the main second appeal in 3rd week of July 2018. Both the learned Counsel agree that 17.07.2018 can be fixed as the date for arguments in the main second appeal.

9. In the light of the narrative supra, there shall be an order of interim stay for two months from today, ie., upto 13.08.2018, on condition that the petitioners deposit a sum of Rs.2,00,000/- (Rupees Two Lakh) in the Executing Court, within a period of four weeks from today, ie., on or before 10.07.2018.

10. This Civil Miscellaneous Petition is disposed of, granting an interim stay as prayed for two months from today, ie., upto 13.08.2018. If the main second appeal is not disposed off by 13.08.2018, it is open to the petitioner to revive the prayer by way of a separate petition and the same will be dealt with on its own merits.

11. If the deposit of Rs.2,00,000/- (Rupees Two Lakh) is not made within the aforesaid stipulated time (on or before 10.07.2018), this order will workout itself and this order of interim stay will stand vacated without further reference to this Court.

12. List the main second appeal on 17.07.2018, under the caption 'For Arguments'.

sd/-
13/06/2018

/ TRUE COPY /

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



TO

1 THE ADDITIONAL SUBORDINATE JUDGE, THANJAVUR

2 THE PRINCIPAL DISTRICT JUDGE
THANJAVUR

+1. C.C. to M/S.G.KARNAN Advocate SR.No.10350

ORDER

IN

CMP (MD) No.11805 of 2017

IN

SA (MD) No.546 of 2017

Date :13/06/2018

SMA/RR/GSR/14.06.2018:3P/4c