



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA
and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.8005 of 2017

IN

AS(MD) No.81 of 2017

PUSHPANATHAN

... PETITIONER /2nd RESPONDENT

Vs

SOOSAINATHAN (DIED)

- 1.NAMBIKKAI MARY
- 2 BRITTO AROKKIARAJ
- 3 PETER AMALRAJ
- 4 FELIX RAJ
- 5 AMALA DEEPA
- 6 SIVAKUMAR

... APPELLANTS / RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the order of interim stay dated 11/07/2017 in CMP(MD). No.5184 of 2017 in AS(MD).No.81 of 2017.

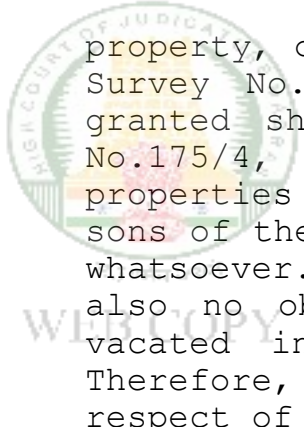
Prayer in AS(MD). 81/ 2017 :

To reverse and set aside the Judgment and Decree dated 29/09/2016 in OS.No.59 of 2012 on the file of the Additional District Judge (Fast Track Court) at Kumbakonam and dismiss the same by allowing the appeal with cost.

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.PRABHAKAR, Advocate for the petitioner and of Mr.V.RAGHAVACHARI, Advocate on behalf of the Respondents 2 to 6, M/S.H.LAKSHMI SHANKAR, Advocate for Mr.T.V.SIVAKUMAR, Advocate for Caveator, for R1, the court made the following order:-

This application has been filed by the second respondent seeking to vacate the order of interim stay dated 11.07.2017, granted by this Court in CMP(MD)No.5184 of 2017 in A.S.(MD) No.81 of 2017.

2. It is stated by the learned counsel for the petitioner/second respondent that the petitioner/second respondent is willing to submit to the decree already passed and the order of interim stay was granted by this Court only in respect of registration of the sale deed alone, by covering three items of



property, of which, the petitioner/second respondent is the owner in Survey No.175/4. It is claimed that the interim stay already granted should be vacated in respect of the property in Survey No.175/4, which belongs to the petitioner. In respect of the properties in Survey No.175/4, the respondents 1 to 5, who are the sons of the deceased brother of the petitioner herein, have no claim whatsoever. The plaintiff, who is the sixth respondent herein has also no objection for the limited extent of interim stay being vacated in respect of the property in Survey No.175/4 alone. Therefore, the order of interim stay dated 11.07.2017, is vacated in respect of the property in Survey No.175/4 alone.

sd/-

16/02/2018

/ TRUE COPY /

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

TO

THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK COURT) AT KUMBAKONAM

+1. C.C. to M/S.K.PRABHAKAR Advocate SR.No.2661
+1 CC TO Mr.T.V.SIVAKUMAR , Advocate, Sr.No. 2651

RJ2

JAM/01/03/2018/ CM-VR / SAR 3/ 2P-4C

ORDER

IN

CMP(MD) No.8005 of 2017

IN

AS(MD) No.81 of 2017

Date :16/02/2018