



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

Thursday, the Twentieth day of September Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CMP(MD) No.8479 of 2018
IN SA No.653 of 1999

WEB COPY

1 THANGAVADIVEL
2 M.BHAGAVANDAS

... PETITIONERS/ PETITIONERS

Vs

1 P.MARIAPPAN
2 SADAGOPARAMANUJAM

3 MATHIAPUREESWARAR SWAMY KOVIL,
REP.BY ITS HEREDITARY TRUSTEE
PARAKALAKOTTAI VILLAGE,
PATTUKKOTTAI TALUK,
THANJAVUR DISTRICT.

4 R.M.S.MEYAPPAN (DIED)

5 THE EXECUTIVE OFFICER,
ARULMUGU MATHIAPUREESWARAR SWAMY TEMPLE,
PARAKALAKOTTAI VILLAGE,
PATTUKOTTAI TALUK,
THANJAVUR DISTRICT.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order granting Interim Stay of all further proceedings in O.S.No.160 of 2010 on the file of the Fast Track Court No.II, Pattukottai pending disposal of the above SA.No.653 of 1999

PRAYER IN SA No.653 of 1999:

To prefer this memorandum of grounds of second appeal against the judgment and decree dated 01.02.1999 and made in AS NO.31 of 1998 on the file of Subordinate Court, Pattukottai, reversing the judgment and decree dated 27.04.1998 and made in O.S.No.345 of 1992 on the file of District Munsif Court, Pattukkottai.

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.PT.S.NARENDRAVASAN, Advocate for the petitioners and of Mr.P.THIAGARAJAN, Advocate for R1, the court made the following order:-

CMP(MD) No. 8479 of 2018 had been filed under Section 151 of Civil Procedure Code, seeking an order of interim stay of all further proceedings in O.S.No.160 of 2010 on the file of the Fast Track Court-II, Pattukottai.



2. This petition is dismissed since the application should have been filed under Section 10 of Civil Procedure Code and an application of that nature should be filed in O.S. No.160 of 2010. An application seeking similar relief if deemed fit may be filed in the concerned suit itself.

sd/-

20/09/2018

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/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, PATTUKOTTAI,

2 THE DISTRICT MUNSIF, PATTUKKOTTAI.

3 THE JUDGE,
FAST TRACK COURT NO.II, PATTUKOTTAI.

+1. C.C. to Mr.PT.S.NARENDRAVASAN Advocate SR.No.17973

ORDER

IN

CMP(MD) No.8479 of 2018

IN

SA No.653 of 1999

Date :20/09/2018

MS/VR-MMS/SAR-2/27.09.2018/2P.4C