

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Seventeenth day of September Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE R. SUBRAMANIAN

CMP No.20013 of 2019

IN SA.NO.939 OF 2019

1 NADHINIDEVI [PETITIONERS]
2 JOTHIPRABHA

Vs

1 S.KAVITHARAJ [RESPONDENTS]

ESWARAMOORTHY (DIED)

2 SARASU

3 THE DIVISIONAL MANAGER
HINDUSTAN PETROLEUM CORPORATION LTD 18/3
BIG BAZAAR ST, COIMBATORE

4 THE SENIOR DIVISIONAL MANAGER
HINDUSTAN PETROLEUM CORPORATION LTD, 18/3,
BIG BAZAAR ST, COIMBATORE

5 THE SENIOR DIVISIONAL MANAGER
HPCL RETAIL RD, TTK ROAD, ALWARPET, CHENNAI

6 THE CHAIRMAN
HINDUSTAN PETROLEUM CORPORATION LTD,
PETROLEUM HOUSE, JAMSAT JEE TATA ROAD MUMBAI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the judgment and decree dated 30-11-2018 made in AS No.38 of 2017 on the file of III Additional District Court, Salem reversing the judgment and decree dated 06-08-2016 made in OS No.89 of 2012 on the file of the Sub Court, Attur (IN CMP.NO.20013 OF 2019) pending disposal of the above Second Appeal NO.939 OF 2019.

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.V.RAGHUPATHI, ADVOCATE FOR P.P.SHANMUGASUNDARAM, Advocate for the petitioner and of MR.GOKULKRISHNAN, ADVOCATE FOR CAVEATOR on behalf of the Respondents the court made the following order:-

This Civil Miscellaneous Petition has been filed seeking stay on operation of the judgment and decree dated 30.11.2018 made in A.S.No. 38 of 2017 on the file of III Additional District Court, Salem.

The suit was one for declaration and injunction by virtue of the Judgement of the lower Appellate Court. The suit stands dismissed hence, there is nothing to be stayed. Accordingly, this stay petition is dismissed.

-sd/-

17/09/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL DISTRICT JUDGE,
SALEM.

2 THE SUBORDINATE JUDGE
ATTUR.

C.C. to P.P.SHANMUGASUNDARAM Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in

CMP No.20013 of 2019
IN SA.NO.939 OF 2019

Date :17/09/2019

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