

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Fifth day of December Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MR JUSTICE KRISHNAN RAMASAMY

CMP Nos.13842 and 15653 of 2019

IN AS.489/2019

1 SAVITHRI JANARTHAN [PETITIONERS IN BOTH THE PETITIONS]

2 JANARTHAN YOGESWARI

Vs

1 J.VENKATRAJ [RESPONDENTS IN BOTH THE PETITIONS]

2 V.JOTHIRANI

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased

(1) to stay the operation of the judgment and decree passed in OS no.46/2012, on the file of Sessions Judge Mahila Court, Chengalepet, (CMP.13842/2019) and;

(2) To direct the respondents to give 1st petitioner portion and also portion in Ground Floor to 1st petitioner with all toilet and kitchen facilities to lead peaceful life in the suit schedule property (in CMP.15653/2019) pending disposal of the AS.489/2019

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.KANIMOZHIMATHI, Advocate for the petitioner in both the petitions and of MR.S.SUBBIAH, (*)**SENIOR COUNSEL** for M/S.ELIZABETH RAVI, Advocate for the 1 & 2 Respondents in both the petitions the court made the following order:-

(Order of the Court was made by M.M.SUNDRESH, J.)

CMP No.13842 of 2019 has been filed seeking stay of the operation of the decree passed in O.S.No.46 of 2012. (*) **C.M.P.No.15653 of 2019** has been filed to give the first petitioner portion and also portion in ground floor to first petitioner with all toilet and kitchen facilities pending disposal of the appeal.

2.Learned counsel appearing for the petitioners has submitted that this is a dispute between the son and mother. The very agreement itself is in question and there is no readiness and willingness. Therefore, C.M.P.No.13842 of 2019 will have to be allowed.

3.Learned senior counsel appearing for the respondents submitted that while this Court can consider the stay of the execution of the decree for specific performance, the amount deposited by the respondents will have to be permitted to be withdrawn.

4.Insofar as the petition filed in C.M.P.No.15653 of 2019 is concerned, learned senior counsel fairly submitted that the same may be ordered.

5.Considering the above, interim stay already granted is made absolute and (*) **C.M.P.No.15653 of 2019** is ordered accordingly. However, liberty is given to the respondents to withdraw the amount deposited.

-sd/-
05/12/2019
/ TRUE COPY /

**(*) (BEING MENTIONED AS PER ORDER
OF THIS COURT DT.17/03/2020
REGARDING IN THE APPEARING AND ORDER PORTION]**

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

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, GENGALPET.

2 THE SECITON OFFICER,
VR SECTION, HIGH COURT, MADRAS

C.C. to M/S.KANIMOZHIMATHI Advocate

Order
in
CMP.NOs.13842 and 15653/2019
in
AS.489/2019

Date :05/12/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 16/07/2019
RRI 12/09/2019
RRI 20/12/2019
RRI 16/04/2020