

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE S.M. SUBRAMANIAM

CMP No.14729 of 2019

IN AS.NO.517 OF 2019

1 K.MATHIVANAN [PETITIONERS]
NO.68, MADHA KOIL ST, BOMMIDI TOWN AND POST,
PAPPIREDDIPATTI TK, DHARMAPURI DT.

2 M. KALAVATHI
NO.68, MADHA KOIL ST, BOMMIDI TOWN AND POST,
PAPPIREDDIPATTI TK, DHARMAPURI DT.

Vs

1 G. RAVI [RESPONDENT]
S/O. MR. GANESHAN, TNHB-342, VENNAMPATTI
ROAD, VIRUPATCHIPURAM VILLAGE,
DHARMAPURI TK AND DT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant stay of the operation of the judgment and decree as made in O.S.No.9 of 2011 dated 23.09.2014 on the file of the Principal district Judge, Dharmapuri, (IN CMP.NO.14729 OF 2019) pending disposal of the above appeal IN AS.NO.517 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 R.KARTHIKEYAN, Advocate for the petitioner and of MR.P.VALLIAPPAN, ADVOCATE on behalf of the Respondents the court made the following order:-

This Civil Miscellaneous Petition is filed, to grant stay of the operation of the judgment and decree as made in O.S.No.9 of 2011 dated 23.09.2014 on the file of the Principal District Judge, Dharmapuri, pending disposal of the above appeal suit.

2. The learned counsel appearing on behalf of the appellants made a submission that he has given change of vakalat.

3. The suit is for Specific Performance and Permanent Injunction and the defendants are the appellants in the appeal suit before this Court and the plaintiff is the respondent in the appeal suit before this Court.

4. The trial Court decreed the suit in favour of the plaintiff and ordered for Specific Performance of the agreement. It is brought to the notice of this Court that as of now, no Execution Petition is filed or pending before the trial Court. Under these circumstances, grant of stay is not desirable and it is for the parties to raise all their grounds during the final hearing of the appeal suit. The appellants have also not established that there is any likelihood of prejudice in the event of not granting the stay.

5. This being the factum, the CMP.No.14729 of 2019 in A.S.No.517 of 2019 stands dismissed. No costs.

6. The appeal suit is directed to be listed for final hearing during second week of January 2020.

-sd/-

18/12/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE
DHARMAPURI.

C.C. to M/S R.KARTHIKEYAN Advocate on payment of necessary charges

सत्यमेव जयते

Order

in

CMP.14729/2019

IN AS.NO.517 OF 2019

WEB COPY

Date :18/12/2019

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