

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.17874 of 2019

IN AS.NO.575 OF 2019

1 INDIRAJITHAN [PETITIONERS]

2 PREMKUMAR

Vs

1 KARNAL [RESPONDENT]
S/O VAJIRAVEL, KEELKUPAM VILLAGE,
POCHANPALLI TK, KRISHNAGIRI DIST

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all the proceedings pursuant to the Judgment and Decree dt.26/06/2019 made in OS No. 60/2017 on the file of the Principal District Judge, Krishnagiri (IN CMP.NO.17874 OF 2019) pending disposal of the first appeal AS.NO.575 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 MR.SAKKARAPANI V., Advocate for the petitioner and of M/S.R.SREEDHARAN FOR CAVEATOR on behalf of the Respondents the court made the following order:-

This Civil Miscellaneous Petition is filed, to stay all the proceedings pursuant to the judgment and decree dated 26.06.2019 made in O.S.No.60 of 2017 on the file of the Principal District Judge, Krishnagiri pending disposal of the first appeal.

2. The plaintiff before the trial Court is the petitioner appellant and th suit was filed for Declaration of title and Permanent Injunction. The trial Court dismissed the suit and the petitioner appellant filed the present appeal suit before this Court.

3. This Court is of the considered opinion that while considering a petition for Stay, the Court has to ascertain the balance of convenience as well as the likelihood of prejudice, if any, would be caused in the event of not granting stay.

4. The case of the petitioner appellant is that he is the title holder of the suit scheduled property and he is in a possession of the property for many number of years. However, he could not able to establish his case before the Trial Court and admittedly, the trial Court dismissed the Civil Suit. Thus, the position, which was prevailing prior to the institution of the suit prevails as of now and therefore, this Court is of the considered opinion that there is no likelihood of bias pursuant to the judgment and decree, which is impugned in the appeal suit before this Court.

5. Thus, the stay petition deserves no merit consideration at this point of time and all other grounds raised in the appeal suit shall be adjudicated by the respective parties at the time of final hearing of the appeal suit. This being the factum, the CMP.No.17874 of 2019 in A.S.No.575 of 2019 stands dismissed. No costs.

6. The appeal suit is directed to be listed for final hearing during third 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 KRISHNAGIRI.

C.C. to MR.SAKKARAPANI V. Advocate on payment of necessary charges

Order

in

CMP.17874/2019

IN AS.NO.575 OF 2019

Date :18/12/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VC (31/12/2019)