

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

THE HON`BLE MS. JUSTICE P.T. ASHA

CMP No.3570 of 2017

in SA.172 of 2017

1 JAYA @ JAYALAKSHMI [PETITIONERS]

2 BALAN @ BALASUBRAMANI

3 SENTHAMARAI
W/O SIVANANDAN D/O LATE THANIKACHALAM

Vs

K.RAJA [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all further proceedings in pursuance of the judgment and decree dated 16/08/2016 in AS No.19 of 2015 on the file of the II Additional District and Sessions Court, Salem reversing the judgement and decree dated 12/12/2014 in OS NO.429 of 2011 on the file of the Principal sub Court, Salem (CMP.3570/2017) pending disposal of the above SA.172/2017

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.D.SHIVAKUMARAN, Advocate for the petitioner and of MR.NEENATH BEGAM, Advocate for the Respondent the court made the following order:-

The above second appeal arises in a suit for partition and the defendants are the appellants before this court.

2. The petition is filed for stay of all further proceedings in pursuant to the judgment and decree in A.S. No.19 of 2015, dated 16.08.2016 on the file of the II Additional District and Sessions Court, Salem, reversing the judgment and decree dated 02.12.2014 in O.S.No.429 of 2011 on the file of the Principal Sub Court, Salem.

3. The learned Counsel for the respondent also entered appearance.

4. Considering the fact that the suit is for partition and in the event of the judgment and decree being proceeded with the form of undertaking proceedings that the cost bear prejudice to the appellants/petitioners. Hence, interim stay granted on 01.03.2017 is made absolute.

-sd/-
25/01/2019
/ TRUE COPY /

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

TO

1 THE PRINCIPAL SUBORDINATE
JUDGE, SALEM.

2 THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE, SALEM.

C.C. to M/S.D.SHIVAKUMARAN Advocate Sr.No.1153

Order
in
CMP.3570/2017

in SA.172/2017

Date :25/01/2019

From 26.2.2001 the Registry is issuing certified
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