

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Third day of October Two Thousand Nineteen

PRESENT

THE HON`BLE MR.JUSTICE R.SUBRAMANIAN

CMP No.15182 of 2017 and CMP No.18613 of 2019

in SA No.611 of 2017

1 E.SELVARAJ [1 TO 5 PETITIONERS IN CMP.15182/17
& 1 TO 5 RESPONDENTS IN CMP.18613/19]

2 BAKKIAM,

3 RAMACHANDRAN,

4 C.SARATHA

5 TAMILARASI

Vs

R.NATARAJAN [RESPONDENT IN CMP.15182/17
& PETITIONER IN CMP.18613/19]

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

(1)grant stay of all further proceedings of the judgment and decree made in AS.No.49 of 2012 on the file of the III Additional District Judge,Salem dated 17/08/2016 reversing the judgment and decree made in OS.No.285 of 2010 on the file of the Principal Sub-ordinate Judge, Salem dated 01/02/2012, (in CMP.15182/2017) and

(2)Vacate the Interim stay granted in CMP No.15182 of 2017 in SA No.611 of 2017 dated 05-10-2017 (in CMP.18613/2019) respectively pending SA No.611 of 2017.

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.B.KUMARASAMY, Advocate for the petitioners in CMP.15182/2017 and for the respondents in CMP.18613/2019 and of MR.C.PRAKASAM Advocate for the respondent in CMP.15182/2017 and for the petitioner in CMP.18613/2019 the court made the following order:-

CMP.No.15182 of 2017 has been filed seeking stay of all further proceedings pursuant to the decree in O.S.No.285 of 2010 on the file of the Principal Subordinate Judge, Salem as granted in A.S.No.49 of 2012 on the file of the III Additional District Judge, Salem.

The suit in O.S.No.285 of 2010 was filed seeking specific performance. The suit was dismissed by the trial court and on appeal, the judgment of the trial court was reversed granting a decree for specific performance. The said judgment of the lower appellate court is under challenge in the above Second Appeal.

In CMP.No.15182 of 2017 interim stay was granted on 05.10.2017. CMP.No.18613 of 2019 has been filed seeking to vacate the interim order. The suit being one for specific performance, if the interim order is vacated the appeal may become infructuous. Hence, I do not see any reason to vacate the interim order granted on 05.10.2017. Interim order granted on 05.10.2017 is therefore made absolute. CMP.No.15182 of 2017 will stand allowed and CMP.No.18613 of 2019 will stand dismissed.

-sd/-

03/10/2019

/ TRUE COPY /

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

TO

1 THE III ADDITIONAL DISTRICT
JUDGE, SALEM

2 THE PRINCIPAL
SUBORDINATE JUDGE, SALEM

C.C. to M/S.B.KUMARASAMY Advocate on payment of necessary charges

WEB COPY

Order

in

CMP No.15182 of 2017 and CMP No.18613 of 2019

in SA No.611 of 2017

Date :03/10/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format

VS 22.10.2019

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