

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 Nos.15183 of 2017 & CMP.18615 of 2019

in SA No.612 of 2017

1 RAMACHANDRAN, [1 TO 8 PETITIONERS IN CMP.15183/2017
& 1 TO 8 RESPONDENTS IN CMP.18615/19

2 C.SARATHA

3 MINOR.KARTHICK
REP.BY ITS FRIEND GUARDIAN HIS FATHER
RAMACHANDRAN,

4 E.SELVARAJ

5 E.THANGARAJ

6 K.V.GNANASEKARAN

7 BAKIYAM,

8 TAMILARASI

Vs

R.NATARAJAN [RESPONDENT IN CMP.15183/2017
and PETITIONER IN CMP.18615/2019]

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.54 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.284 of 2010 on the file of the Principal Sub-ordinate Judge, Salem dated 01/02/2012, (in CMP.15183/2017) and

(2)Vacate the Interim stay granted in CMP No.15183 of 2017 in SA No.612 of 2017 dated 05-10-2017 (in CMP.18615/2019) respectively pending SA No.612 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.15183/2017 and for the respondents in CMP.18615/2019 and of MR.C.PRAKASAM Advocate for the respondent in CMP.15183/2017 and for the petitioner in CM.18615/2019 the court made the following order:-

CMP.No.15183 of 2017 has been filed seeking stay of all further proceedings pursuant to the judgment and decree in O.S.No.284 of 2010 on the file of the Principal Subordinate Judge, Salem as granted in A.S.No.54 of 2012 on the file of the III Additional District Judge, Salem pending disposal of the above Second Appeal.

2. The suit in O.S.No.284 of 2010 is one for specific performance. The trial court granted a decree for refund of advance. Aggrieved the plaintiff preferred an appeal in A.S.No.54 of 2012. The lower appellate court has reversed the judgment and decree and decreed the suit granting the main relief of specific performance.

3. CMP.No.18615 of 2019 has been filed seeking to vacate stay. Since the decree is one for specific performance, I do not think the stay could be vacated pending Second Appeal. Hence, the interim stay granted on 05.10.2017 is made absolute. The CMP.No.15183 of 2017 is allowed and CMP.No.18615 of 2019 is dismissed.

-sd/-
03/10/2019

सत्यमेव जयते / TRUE COPY /

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

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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

Order

in

CMP Nos.15183 of 2017 & CMP.18615 of 2019

in SA No.612 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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