



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Seventh day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and

The Hon`ble Mr Justice SENTHILKUMAR RAMAMOORTHY

CMP(MD) No.7620 of 2019

IN

AS(MD) No.88 of 2019

C.LAKSHMI

... PETITIONER/
RESPONDENT/ RESPONDENT

Vs

R.THANGAMUTHU

... RESPONDENT/
PETITIONER/ APPELLANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the Interim Stay passed by this Honble Court on 5.7.2019 in CMP(MD)No.4758 of 2019 in AS(MD)No.88 of 2019 and thus render justice.

Prayer in CMP(MD) . 4758/ 2019 :

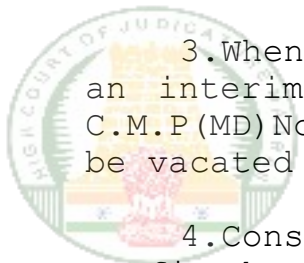
Pleased to pass an order interim stay of the operation of the Judgment and decree dated 29.10.2018 passed in OS.No.71 of 2017 on the file of Additional District Judge (FTC), Theni pending disposal of the present appeal and thus render justice.

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.H.LAKSHMI SHANKAR, Advocate for M/S.V.MANIKANDAN, Advocate for the petitioner and of Mr.THIRUMURUGAN, Advocate on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **K.RAVICHANDRABAABU., J**)

This civil miscellaneous petition in C.M.P(MD)No.7620 of 2019 is filed to vacate the interim stay granted by this Court on 05.07.2019 in C.M.P(MD)No.4758 of 2019 in A.S(MD)No.88 of 2019.

2.The appellant is the defendant in a suit for partition, declaration and permanent injunction. The trial Court decreed the suit and granted the preliminary decree for partition of plaintiff's $\frac{1}{2}$ share in the suit property.



3. When the appeal was entertained by this Court on 05.07.2019, an interim stay of passing of final decree alone was granted in C.M.P(MD)No.4758 of 2019. Now the said interim order is sought to be vacated by filing the C.M.P(MD)No.7620 of 2019.

4. Considering the fact that the stay granted by this Court is confined only insofar as passing of final decree alone, we are of the view that there is no necessity to vacate such stay pending disposal of the appeal. Accordingly, the vacate stay petition is dismissed.

sd/-

27/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE ADDITIONAL DISTRICT JUDGE (FTC),
THENI.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-14237[I] dated 28/08/2019)

ORDER
IN
CMP(MD) No.7620 of 2019
IN
AS(MD) No.88 of 2019
Date :27/08/2019

AE/MMS/SAR-2/05.09.2019/2P.3C