



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Third day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE S.M. SUBRAMANIAM

CMP No.8693 of 2019

and AS.NO.890 of 2018

1 GOWRI [PETITIONERS]

2 S.TAMILSELVI

3 J.BABY

Vs

1 KUMAR [RESPONDENTS]

2 K.RAMESH

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 granted on 02/01/2019 in the CMP 23198/2018 in AS NO.890/2018

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.G.MOORTHY, Advocate for the petitioner and of Mr. T.M. NAVEEN, ADVOCATE for 1st and 2nd Respondents the court made the following order:-

The learned counsel for the vacate stay petitioner is unable to establish any acceptable ground for the purpose of vacating the stay. Interim stay was granted regarding clause(iii) and clause(vi) of the decree until further orders. The suit was instituted for partition, and the suit was dismissed on 27.06.2018. The plaintiff filed an appeal suit challenging the judgment dismissing the suit for partition.

2. This Court is of the considered opinion that the interim stay was granted, taking note of the fact that the suit schedule property is in possession of the respondents in the appeal suit. This being the factum, the appeal is to be heard finally and vacating the interim stay granted by this Court on 02.01.2019 is not desirable. Consequently, the vacate stay petition stands



dismissed. Registry is directed to list the first appeal after two weeks.

-sd/-
03/01/2020

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/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT JUDGE,
PONDICHERRY

C.C. to M/S.K.P.JOTHEESWARAN, Advocate, SR.NO.112

Order
in
CMP.8693/2019
and
AS.NO.890 of 2018

Date :03/01/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SM/08/01/2020