

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

THE HON'BLE MR JUSTICE R. SUBRAMANIAN

CMP No.12054 of 2017

IN SA.NO.497 OF 2017

1 RANGANAYAKI [PETITIONERS]
2 S.P. SHANMUGAM

Vs

K. PARIMALA [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the judgment and decree dated 28/09/2015 made in AS 16/2014 on the file of the learned Sub Court, Sathyamangalam partly confirming the judgment and decree dated 07/03/2014 made in OS 256/2010 on the file of the learned District Minsif Court, Sathyamangalam (IN CMP.NO.12054 OF 2017) pending disposal of the above appeal IN SA.NO.497 OF 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 MR.T.MUGUGAMANIKAM, SENIOR COUSNEL FOR M/S.MA.P.THANGAVEL, Advocate for the petitioner and of MR.D.R.ARUN KUMAR, ADVOCATE on behalf of the Respondents the court made the following order:-

This application has been filed seeking stay of operation of the Judgment and decree made in A.S.No.16 of 2014 on the file of the Sub Court, Sathyamangalam, partly confirming that of the District Munsif, Sathyamangalam made in O.S.No.256 of 2010.

2. The suit in O.S.No.256 of 2010 itself was filed seeking a declaration that the plaintiff and the 1st defendant are the legal heirs of S.P.Kandasamy and for a permanent injunction against the 2nd defendant from interfering the plaintiff's peaceful possession and enjoyment of the property.

3. A perusal of the decree of the trial Court shows that the declarative relief as well as the relief of injunction were granted by the trial Court. However, on appeal, the lower appellate Court

had restricted the relief only to that of declaration and the suit in respect of the relief of injunction is dismissed.

4. In as much as the decree is only for declaration, there is nothing to be stayed as no further proceedings can be taken pursuant to the decree. Hence, I do not see any reason to grant stay of operation of the decree and judgment of the lower appellate Court. Therefore, this Civil Miscellaneous petition is dismissed as misconceived.

-sd/-

09/03/2020

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE
SATHYAMANGALAM.

2 THE DISTRICT MUNSIF
SANTHAMANGALAM

C.C. to M/S.MA.P.THANGAVEL Advocate on payment of necessary charges

Order

in

CMP.12054/2017

IN SA.NO.497 OF 2017

Date :09/03/2020

From 26.2.2001 the Registry is issuing certified copies of the Interim Orders in this format
VC (13/03/2020)

WEB COPY