

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twentieth day of July Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE R.SUBBIAH

and

THE HON`BLE MR JUSTICE C.SARAVANAN

CMP.No.17879 of 2018

IN AS.No.654 of 2018

1 R.S.RAJKUMAR [PETITIONERS]

2 RAVIKUMAR

Vs

1 ANITHASREE [RESPONDENTS]

2 V.P.RAMASAMI

3 KARUNANIDHI

4 ABDUL VAHIB

5 S.R.VIVEK

6 A.K.T.VARADHARAJAN

7 K.GANDHI

8 R.SAKTHIVEL

9 T.RAVISANKAR

10 MADHESWARAN

11 S.P.BALAJI

12 T.M.A.RAJARAM

13 V.DHARMAR

14 T.JOTHI

15 N.B.DHARMARAJ

16 SATHIYA

17 JAYARAMAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of interim stay of order dated 10/01/2018, passed in OS.No.200/2010 by III Addl.District Judge, Salem, and all proceedings pursuant thereto, pending disposal of the above CMA (IN CMP.No.17879 of 2018).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.PARTHASARATHY, Advocate for the petitioners and the court made the following order:-

[Order of the Court was made by **R.SUBBIAH, J**]

This Court, under order dated 14.11.2018, has passed the following order:

'Passing of final decree alone is stayed. Other proceedings shall go on. Notice to the respondents returnable by 05.12.2018. Private notice is also permitted.'

2.Today, when the matter is taken up for hearing through video conference, learned counsel for petitioners seeks permission of this Court to withdraw the stay petition and he has also filed a Memo dated 20.07.2020 to that effect through e-mail. The Memo dated 20.07.2020 reads as follows:

'The petitioners/appellants submit as follows;

1.The petitioners state that the above appeal is filed against the judgment and decree dated 10.01.2018 passed by the Hon'ble III Additional District Court, Salem in O.S.No.200 of 2010.

2.This Hon'ble Court vide order dated 14.11.2018 in C.M.P.No.17879 of 2018 in A.S.No.654 of 2018 passed an order of stay with respect to passing the Final Decree by the III Additional District Court, Salem.

3.Subsequently, the parties herein filed an Application under Order XXIII Rule 3 of C.P.C. in I.A.No.1 of 2019 in I.A.No.196 of 2018 in O.S.No.200 of 2010 on the file of the III Additional District Court, Salem. However, in view of the aforesaid order of stay dated 14.11.2018 passed by this Hon'ble Court in C.M.P.No.17879 of 2018 in A.S.No.654 of 2018, the parties herein are unable to proceed with the said application

filed under Order XXIII Rule 3 of C.P.C. in I.A.No.1 of 2019.

4.It is submitted that the petitioners are necessitated to withdraw the present petition in C.M.P.No.17879 of 2018 in A.S.No.654 of 2018 for the limited purpose of proceeding with the hearing and disposal of I.A.No.1 of 2019 in I.A.No.196 of 2018 in O.S.No.200 of 2010 on the file of the III Additional District Court, Salem.

5.In the event of the said application in I.A.No.1 of 2019 in I.A.No.196 of 2018 in O.S.No.200 of 2010 being dismissed by the III Additional District Court, Salem, the petitioners herein reserve their right to file necessary application to restore the order of stay dated 14.11.2018 passed by this Hon'ble Court in C.M.P.No.17879 of 2018 in A.S.No.654 of 2018.'

3.In view of the Memo dated 20.07.2020 submitted by learned counsel for petitioners through e-mail, the Miscellaneous Petition is dismsised as withdrawn.

Post the main appeal after four (4) weeks.

-sd/-

20/07/2020

/ TRUE COPY /

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

TO

THE III ADDITIONAL DISTRICT JUDGE,
SALEM.

C.C. to M/S.R.PARTHASARATHY Advocate on payment of necessary charges

Order

in

CMP.No.17879 of 2018
IN AS.No.654 of 2018

Date :20/07/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
UM(27/07/2020)



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