



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

Thursday, the Twenty Third day of January Two Thousand Twenty

PRESENT

**The Hon`ble Mr.Justice R.SUBRAMANIAN**

**CMP(MD) No.645 of 2020**

**IN**

**CMSA(MD) No.4 of 2020**

ASHOK KUMAR

... PETITIONER/APPELLANT

Vs

1 AMSU

2 PITCHAIMUTHU

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an AD-Interim stay of all further proceedings in pursuance of order dated 8.8.2019 made in CMA.No.7 of 2017 on the file of Additional District court pending disposal of the above Civil miscellaneous second appeal.

Prayer in CMSA(MD). 4/ 2020 :

To set aside the fair order and decreetal order dated 8.8.2019 made in CMA.No.7 of 2017 on the file of Additional District Judge, Dindigul, Reversing the fair order and decreetal order dated 21.12.2016 made in E.A. No.23 of 2014 in E.P. No.95 of 2013 in O.S. No.508/2010 on the file of Principal Subordinate Judge, Dindigul.

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.A.ARUMUGAM for M/S.AJMAL ASSOCIATES, Advocate for the petitioner, while admitting the Civil Miscellaneous Second Appeal, the court made the following order:-



This petition has been filed seeking stay of all further proceedings pursuant to the order of the executing court allowing claim petition filed under Order 21 Rule 97 C.P.C. Consequence of the order is that execution petition will be terminated. It is always open to the appellant to resurrect the Execution Petition, if he succeeds in this appeal. Hence, I do not see that there is any necessity for grant of stay. Stay petition is therefore dismissed.

sd/-  
23/01/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT JUDGE, DINDIGUL.
2. THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

ORDER  
IN  
CMP (MD) No.645 of 2020  
IN  
CMSA (MD) No.4 of 2020  
Date :23/01/2020

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AE/SKN/SAR-III (28.01.2020) 2P 3C