



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

Friday, the Sixth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.1624 of 2020
IN
SA(MD) No.105 of 2020

1 V.MUTHURAJ
2 S.MURUGAPERUMAL

... PETITIONERS/APPELLANTS

Vs

M.NARAYANAN (DIED)

1.N.DHANAM AMMAL
2.N.PALAVESAM
3.N.MUTHUKUMAR
4.S.SARASWATHY

... RESPONDENTS/ RESPONDENTS

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 07.03.2013 made in O.S.No. 467/2010 on the file of the Principal District Munsif Court, Tirunelveli as confirmed by the Judgment and Decree of the appellate court dated 17.08.2019 made in AS.No. 61 of 2013 on the file of the Principal Sub Court, Tirunelveli.

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.S.P.MAHARAJAN, Advocate for the petitioners, while admitting the SA., the court made the following order:-

Heard the learned counsel appearing for the petitioners.

2. On the side of the petitioners, it is stated that the petitioners and the plaintiff - Narayanan were the tenants in the same building with six other tenants and all the eight tenants purchased the portion from the owner of the property and the sale deed of the petitioners and the plaintiff were, executed on the same day. There is some discrepancies in the document. The portion purchased by the petitioners is in up-stairs. The portions purchased by the plaintiff is in the ground floor. The plaintiff claimed that he is having some right over the up-stairs of the pathway and he filed a suit for recovery of possession alone and there is no other path way in the portion of the appellant and hence, prayed for



3. For the above reasons, this Civil Miscellaneous Petition is allowed and there shall be an order of interim stay till the disposal of the Second Appeal.

4. Notice.

sd/-
06/03/2020

/ TRUE COPY /

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

TO

1.THE PRINCIPAL DISTRICT MUNSIF, TIRUNELVELI.

2.THE PRINCIPAL SUBORDINATE JUDGE, TIRUNELVELI.

COPY TO:

THE SECTION OFFICER, V.R SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.P.MAHARAJAN Advocate SR.No.5021

ORDER
IN
CMP (MD) No.1624 of 2020
IN
SA (MD) No.105 of 2020
Date :06/03/2020

LS
TK/JC/SAR.1/17.03.2020/2P/5C