



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

Friday, the Twenty Eighth day of February Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice R.SUBRAMANIAN

CMP (MD) No.2235 of 2020
IN
SA (MD) No.18 of 2020

Y.DEVASAHAYAM

... PETITIONER/APPELLANT

Vs

1 ROSAMMAL
2 KANNAMMAL
3 MARIYENDRAN
4 MARIA ARULAPPAN
5 DHAS
6 JOHNROSE
7 JOSEPH RAJ
8 JOHN ALEXANDER
9 ROSEMARY
10 MERCY
11 THANKAN
12 ROBERT
13 ARULAYYE
14 ANANTHAKUMAR
15 SASI JEBIN JOSE
16 LALITHA BAI
17 ABIN
18 MINOR ABILA
19 MINOR ABISH

(MINOR RESPONDENTS 18 & 19 ARE REPRESENTED BY THEIR
MOTHER AND NEXT FRIEND 16th RESPONDENT HEREIN)

20 GEORGE

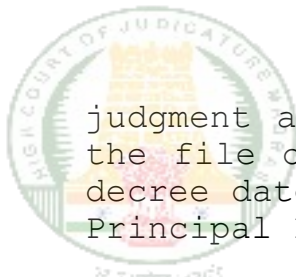
... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all further proceedings in E.P.No.4/2019 in O.S.No.29/2007 on the file of the Principal District Munsif Court, Kuzhithurai pending disposal of the second appeal and thus render justice.

Prayer in SA (MD) . 18/ 2020 :

Pleased to allow the second appeal by setting aside the

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judgment and decree passed in AS No.53 of 2013 dated 19.08.2019 on the file of the Sub Court, Kuzhithurai confirming the judgment and decree dated in OS No.29 of 2007 dated 26.06.2013 on the file of the Principal District Munsif Court, Kuzhithurai.

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.H.ARUMUGAM, Advocate for the petitioner and of Mr.V.M.BALAMOHAN THAMPI, Advocate for R2 to R12 and Mr.ANANTH C.RAJESH, Advocate for R13, R14, R16 and R17, the court made the following order:-

The stay petition has been filed seeking stay of all further proceedings in E.P.No.4 of 2019, which has been filed seeking possession and mandatory injunction. The decree in O.S.No.29 of 2007 is only for a declaration and permanent injunction. There is no decree for either possession or mandatory injunction. The remedy for the decree holder is only to seek execution under Order 21 Rule 32.

2.Upon realising the problem, the learned counsel for the respondent would submit that he would withdraw E.P.No.4 of 2019 and seek appropriate relief before the Executing Court.

3.Recording the same, this petition is closed.

sd/-
28/02/2020

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT MUNSIF, KUZHITHURAI.

2. THE SUBORDINATE JUDGE, KUZHITHURAI.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-4594[I] dated 02/03/2020)

ORDER
IN
CMP(MD) No.2235 of 2020
IN
SA(MD) No.18 of 2020
Date :28/02/2020

RJ2

TE/JC/SAR-IV : 05/03/2020 : 2P/4C

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