

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Seventeenth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice G.K.ILANTHIRAIYAN

CMP No.3277 of 2021

IN AS.47 of 2021

R. RAMIAH

[PETITIONER]

Vs

1 S.RAJA MOHAMED

[RESPONDENTS]

2 MEMBER SECRETARY,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
NO.1, GANDHI IRWIN ROAD, EGMORE,
CHENNAI 600 008.

3 CHIEF EXECUTIVE OFFICER,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
NO.1, GANDHI IRWIN ROAD,
EGMORE, CHENNAI 600 008.

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 30.09.2020 made in OS.No.3925 of 2015 on the file of the II Addl City Civil Court at Chennai (in CMP.No.3277/2021) pending disposal of the above appeal 47/2021.

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.K.SAIRAM Advocate for M/S.A.S.KAILASAM AND ASSOCIATE, for the petitioner and of MR.C.ASHOK KUMAR Advocate (Caveator) for 1st respondent the court made the following order:-

The appeal suit in AS.No.47 of 2021 has been preferred as against the judgment and decree passed in OS.No.3925 of 2015 on the file of the II Additional City Civil Court, Chennai dated 30.09.2020, thereby decreed the suit and directed the appellant to obtain sale certificate executed in his favour from the respondents 1 and 2 herein in respect of the suit schedule property. After having

obtained sale deed from the respondents 2 and 3 herein, the appellant is directed to executed the sale deed in respect of the suit property in favour of the first respondent herein. The petitioner / appellant apprehends that the first respondent is taking steps to execute the decree passed in his favour and as such prayed for stay of all further proceedings of the judgment and decree passed in OS.No.3925 of 2015.

2. The learned counsel for the first respondent would submit that the first respondent undertakes not to pursue the judgment and decree by way of filing any execution petition to execute the judgment and decree passed in his favour till the disposal of the appeal suit.

3. Recording the said submission, the first respondent is directed not to pursue the judgment and decree passed in OS.No.3925 of 2015 dated 30.09.2020 by way of filing any execution petition till the disposal of the appeal suit.

4. Accordingly, this civil miscellaneous petition is ordered.

-sd/-

17/06/2021

/ TRUE COPY /

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

TO

THE JUDGE,
IIND ADDITIONAL CITY CIVIL COURT AT CHENNAI.

Order

in

CMP.3277/2021

in

AS.47/2021

Date :17/06/2021

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