



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Seventh day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR. JUSTICE M.SUNDAR

CMP.No.10068 of 2020

and CMP.No.3652 of 2021 in SA.No.471 of 2020

R.VEERAMANI [PETITIONER IN CMP.No.10068/2020
& 1st RESPONDENT IN CMP.No.3652/2021]

Vs

1 R.THIRUNAVUKKARASU [1st RESPONDENT IN CMP.No.3652/2021 &
PETITIONERS IN CMP.No.10068/2020]

2 R. VIJAYAKUMAR [2nd RESPONDENT IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the injunction granted in Judgment and decree in A.S. No.9 of 2018 on the file of Hon'ble Subordinate Judge, Mannargudi dated 18.12.2019 partly allowed the Judgment and decree dated 11.12.2017 in O.S. No.32 of 2016 on the file of Honble District Munsif Cum Magistrate, Needamangalam, till the (In CMP.No.10068 of 2020);

ii)To vacate the order dated 17.09.2020 made in CMP.No.10068 of 2020 in SA.No.471 of 2020 passed by this Honourable Court ordering interim Suspension of the decree of the 1st Appellate Court in AS.No.9 of 2019 (in CMP.3652/2021) pening disposal of the above SA.No.471 of 2020.

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.PARTHASARATHY, SENIOR COUNSEL for M/S.RAMADEVI P.T., Advocate for the PETITIONER IN CMP.No.10068/2020 & 1st RESPONDENT IN CMP.No.3652/2021 and of MR.K.V.SUNDARARAJAN, Advocate for the 1st Respondent IN CMP.No.3652/2021 & PETITIONERS IN CMP.No.10068/2020 the court made the following order:-

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 19.07.2021 and 22.07.2021, which read as follows:

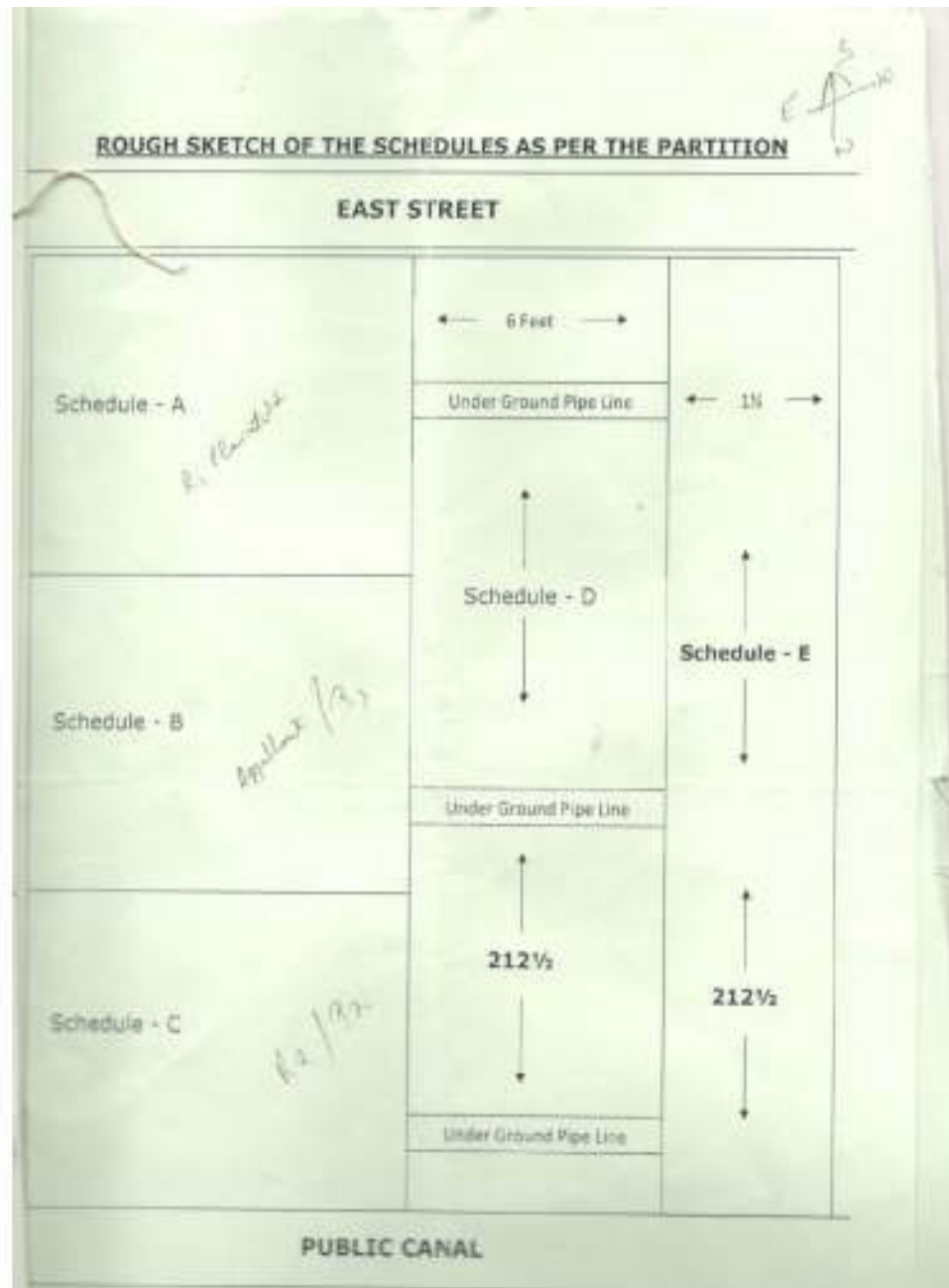
' Proceedings made on 19.07.2021

Ms.Divyasri, learned counsel representing the counsel on record for sole appellant and Mr.K.V.Sundararajan, learned counsel on record for first respondent are before this Virtual Court.





WEB COPY



3. Today an affidavit dated 26.07.2021 sworn to by Mr.R.Veeramani (appellant in main second appeal) is filed. Most relevant paragraph is paragraph 4, which reads as follows:

'4. I most respectfully submit that I never prevented the 1st Respondent in making use of the drainage. I undertake that pending disposal of the above Second Appeal we will not prevent the 1st Respondent from using the passage limited for the purpose of cleaning nay block in the drainage.'

4. Mr.S.Parthasarathy, learned Senior Advocate instructed by Ms.P.T.Ramadevi, counsel on record for appellant in the main second appeal and Mr.K.V.Sundararajan, learned counsel on record for first respondent in the main second appeal (R.Thirunavukkarasu) are before this Virtual Court. Regarding second respondent in main



second appeal, the Court record shows that he has been duly served vide Court notice on 03.10.2020. Name and full/complete address is shown in the cause list, but none appears. This has already been recorded in the proceedings dated 19.07.2021.

5. Responding to paragraph 4 of the affidavit of the appellant, Mr.K.V.Sundararajan, learned counsel for first respondent, on instructions, submits that the first respondent will not disturb the slabs on the pathway above the underground pipeline near Schedules 'B' and 'C' in the undisputed rough sketch scanned and reproduced supra. To be noted conventionally North points upwards in a sketch and it is the reverse in the aforementioned sketch.

Recording the aforementioned undertaking in paragraph 4 and the submission made by learned counsel for first respondent on instructions, captioned CMPs are disposed of as closed. There shall be no order as to costs.

-sd/-

27/07/2021

/ TRUE COPY /

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

TO

1 THE SUBORDIANTE JUDGE,
MANNARGUDI.

2 THE DISTRICT
MUNSIF CUM MAGISTRATE, NEEDAMANGALAM.

Order

in
CMP.No.10068 of 2020
and CMP.No.3652 of 2021 in
SA.No.471 of 2020

Date :27/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR (11/08/2021)