



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Second day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M. SUNDAR

CMP No.19756 of 2019

IN SA NO.929 of 2019

1 R.LAKSHMIAMMAL [PETITIONERS]

2 R.RAJESHWARI

3 R.INDIRA KUMAR

4 R.GEETHA

5 R.RADHA

Vs

1 BASUVAPPAN@H.BASUVARAJ [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the execution of the Decree and Judgement in O.S.No.208/2012 dated 28.01.2014 (On the file of the Sub- Court, Nilgiris at Udhagamandalam as confirmed by the Judgment and DEcree in A.S.No.23/2014 dated 25.04.2019 (On the file of the District Court of the Nilgiris at Uthagamandalam) [IN CMP NO.19756/2019] pending disposal of the main SA NO.929/2019

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.V.RAVI, Advocate for the petitioner and of M/S.N.RAMESH, Advocate for the Respondent, the court made the following order:-

Captioned second appeal has been filed by five defendants in the trial Court and they are petitioners in captioned CMP i.e., C.M.P.No.19756 of 2019.

2. Lone plaintiff in the trial Court is the lone respondent in the captioned second appeal and CMP.

3. Mr.V.Ravi, learned counsel on record for petitioners/appellants and Mr.N.Ramesh, learned counsel on record for respondent/respondent (plaintiff) are before me in this Virtual Court.



4. Case file placed before this Court brings to light that the captioned second appeal has been admitted by Hon'ble Predecessor Judge on 20.09.2019, records from the District Judiciary have since been received and therefore, captioned second appeal is ripe for final hearing.

5. Both the learned counsel agreed that the captioned second appeal can be heard out for final disposal in the next listing which shall be a fortnight hence.

6. In the light of the aforementioned trajectory, this Court notices that the decree in the trial Court is *inter-alia* for declaration of title, injunction and recovery of one item of suit property.

7. This Court is informed that an execution petition in E.P.No.13 of 2017 on the file of the jurisdictional executing Court has already been launched for executing recovery of possession limb of decree but as captioned second appeal has been admitted, records have been received from the District Judiciary, it is only appropriate that the execution if any awaits disposal of captioned second appeal as any execution will lead to irreversible legal injury.

8. Relevant portion of interim order granted in captioned CMP on 20.09.2019 by Hon'ble Predecessor Judge reads as follows:

'There will be an order of interim stay as prayed for until further orders.'

2. Mr.N.Ramesh, learned counsel takes notice for the respondent.'

9. In the light of the narrative thus far, interim order already granted on 20.09.2019 shall continue until disposal of captioned second appeal with a rider that if there is undue delay caused by the petitioners/appellants in captioned second appeal being taken up, it is open to respondent/respondent (plaintiff) to take out a suitable separate CMP.

10. Captioned CMP disposed of as closed on the above lines. There shall be no order as to costs.

11. List the captioned second appeal on 05.08.2021.

-sd/-
22/07/2021
/ TRUE COPY /

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



TO

WEB COPY

1 THE DISTRICT JUDGE,
UDHAGAMANDALAM, NILGIRIS

2 THE SUBORDINATE JUDGE
UDHAGAMANDALAM

Order

in
CMP.19756/2019

in SA NO.929/2019

Date :22/07/2021

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