



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Second day of December Two Thousand Twenty One

PRESENT

THE HON'BLE MR.JUSTICE S.S.SUNDAR

CMP.No.18182 of 2021

in AS.No.419 of 2021

ARUMUGAM

[PETITIONER]

Vs

1 GANESAN

[RESPONDENTS]

2 BAKKIYALAKSHMI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased To Order stay of all further proceedings in I.A. No.3/2021 in O.S.No.342/2019, on the file of Hon'ble Principal District Judge, Namakkal (in CMP.No.18182 of 2021) pending disposal of the above AS.No.419 of 2021.

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.SUDHARSANAM, Advocate for the petitioner, the court made the following order:-

This Court finds that an incorrect affidavit has been filed by the 1st defendant who is the petitioner in this miscellaneous petition. It is seen from the affidavit that the petitioner herein has stated that the preliminary decree has been obtained by the 1st respondent herein in respect of the petitioner's property without including him as one of the parties in the suit.

2.Probably, this may be applicable to the petitioner's son but not to the petitioner. The petitioner is the 1st defendant in the suit in OS.No.342/1991 on the file of the Court of Principal District Judge, Namakkal. Since the affidavit has been filed under the pretext that the petitioner himself is not a party to the suit, this Court is unable to entertain this petition.



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3. In the result, the Civil Miscellaneous Petition is **dismissed**.
However, the petitioner is given liberty to file another petition
with proper supporting affidavit.

-sd/-

02/12/2021

/ TRUE COPY /

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

TO

THE PRINCIPAL DISTRICT JUDGE,
NAMAKKAL.

Order

in
CMP.No.18182 of 2021

in AS.No.419 of 2021

Date :02/12/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
PA (06/12/2021)