



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twentieth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.SUNDAR

CMP NO.19965 OF 2019

IN SA.NO.937 OF 2019

KITTU

[PETITIONER]

Vs

MARIAMMAL

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of interim stay of the operation of the Judgment and Decree dt. 25.06.2019 made in AS.No.36 of 2018 on the file of the Honble Subordinate Judge, Omalur, Salem confirming the Judgment and Decree dt. 20.09.2017 made in OS.No.106 of 1998 of the Hon'ble District Munsiff Court, Omalur (CMP NO.19965 OF 2019) pending disposal of the above SA.NO.937 OF 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 M/S.T.S.VIJAYA RAGHAVAN, Advocate for the petitioner and of MR.P.MANI, Advocate for the respondent, the court made the following order:-

Mr.T.S.Vijaya Raghavan, learned counsel for petitioner/appellant and Mr.P.Mani, learned counsel for respondent/respondent in captioned CMP are before this Virtual Court.

2. Aforementioned S.A.No.937 of 2019 is tagged with S.A.No.935 of 2019 and both second appeals are on Board.

3. Read this in conjunction with and in continuation of separate common proceedings made in aforementioned two tagged main second appeals, which reads as follows:

'Mr.T.S.Vijaya Raghavan, learned counsel for sole appellant in both captioned second appeals and Mr.P.Mani, learned counsel for lone respondent in S.A.No.937 of 2019 and for all the fourteen respondents



in S.A.No.935 of 2019 are before this Virtual Court. This Court is informed by both learned counsel that captioned second appeals are tagged.

2. The case file placed before this Court reveals that captioned second appeals have been admitted by Hon'ble predecessor Judge on 18.09.2019. This Court is informed that the records from the District judiciary have since been received and the same are before this Court. This means that captioned second appeals are ripe for final disposal. However, learned counsel on both sides request for some more time to prepare for advancing arguments for final disposal.

3. Request acceded to. List captioned second appeals along with captioned CMP four weeks hence.

List on 17.08.2021.'

4. There is no disputation before this Court that both suits out of which the two tagged main second appeals arise are suits for declaration of title and permanent injunction qua possession. Therefore, there being no executable decrees, the prayer for interim stay of operation of decree does not arise.

5. In this view of the matter, captioned CMP is disposed of as closed preserving the rights and contentions of both sides to be adjudicated in the main second appeals/other CMP/s if the need arises.

-sd/-

20/07/2021

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, OMALUR, SALEM.

2 THE DISTRICT MUNSIFF, OMALUR.

Order

in

CMP.19965/2019

IN SA.NO.937 OF 2019

Date :20/07/2021

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SDR 02/08/2021