



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Third day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE M.SUNDAR

CMP No.19964 of 2019

IN SA.No.936 of 2019

1 A.SUNDARARAJAN [PETITIONERS]
2 S.RAJAMANI
3 S.PRAKASH
4 S.VANITHAMANI

Vs

P.RAMASAMY [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all further proceedings pursuant to the judgement and decree dt 27/07/2017 made in Os No.420/2013 on the file of the Additional District Munsif Court Namakkal as confirmed by the judgement and decree dt 5/04/2019 made in AS no.93/2017 on the file of the Principal Sub Court, Namakkal (CMP.NO.19964/2019) pending disposal of the above SA.NO.936/2019.

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.SATHYA, Advocate for the petitioners and of MR.T.DHANYAKUMAR, Advocate for the Respondent, the court made the following order:-

Captioned CMP has been taken out by appellants in the main Second Appeal and lone respondent in main Second Appeal is the lone respondent in the captioned CMP.

2. Suit in the trial Court pertains to declaration that a lane belongs to plaintiff and an injunction pertaining to the lane. Suit was decreed by trial Court after full contest and the same was confirmed by the First Appellate Court. Defendants, who have suffered two successive and concurrent decrees in trial Court and First Appellate Court are now before this Second Appeal Court. Defendants have taken out the captioned CMP with a prayer to stay



the decrees of Courts below. The case of defendants qua captioned CMP is that there is interference by the plaintiff qua suit lane and that they need to seek for an injunction against the plaintiff. If this is the scenario, without expressing any opinion on merits, it will suffice to say that prayer is misconceived. Therefore, captioned CMP is closed preserving the rights of defendants/petitioners to take out a suitable CMP with an appropriate prayer if so advised and if the need arises. Though obvious, it is made clear that if the petitioners/appellants take out such a CMP, the same will be decided on its own merits and in accordance with law uninfluenced by this order.

3. Captioned CMP is dismissed with this liberty being preserved. There shall be no order as to costs.

-sd/-
23/07/2021
/ TRUE COPY /

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

TO

1 THE PRINCIPAL SUBORDINATE JUDGE,
NAMAKKAL

2 THE ADDITIONAL DISTRICT MUNSIF,
NAMAKKAL

Order

in
CMP No.19964 of 2019

IN SA.No.936 of 2019

Date :23/07/2021

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