



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.21563 of 2019

IN SA.NO.1004 of 2019

1 T.S.MAARI [PETITIONERS]

2 LAKSHMI AMMAL

Vs

T.S.SUKUMAR [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the decree and judgment dt. 04/08/2015 in OS NO. 78/2009 on the file of Additional District Munsif Court, Tirupattur, Vellore district as confirmed in the decree and judgment dt. 16/08/2019 in AS NO. 13/2016 on the file of Sub Court, Tirupattur, Vellore District (IN CMP.NO.21563/2019) pending disposal of the SA.NO.1004/2019

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MS.S.NANDHINI DEVI, for M/S.R.SUBRAMANIAN, Advocate for the petitioner and of M/S.KAVYA, Advocate for the Respondent, the court made the following order:-

Ms.S.Nandhini Devi, learned counsel on record for two petitioners/ appellants and Ms.Kavya, learned counsel representing the counsel on record for respondent/respondent are before this Virtual Court.

2. Read this in conjunction with and in continuation of separate proceedings made in captioned main second appeal today, which reads as follows:

'Ms.S.Nandhini Devi, learned counsel on record for two appellants and Ms.Kavya, learned counsel representing the counsel on record for lone respondent are before this Virtual Court.

2. A perusal of the case file brings to light that captioned second appeal has been admitted by predecessor Hon'ble Judge on 21.10.2019. This Court is informed that records from the District judiciary have since been received by this Court. This means that captioned second appeal is ripe for final hearing.



3. Learned counsel representing the counsel on record for lone respondent submits that typed-set of papers have not been served on her and counsel for appellants undertakes to serve copies of typed-set and other relevant papers, if any, on the counsel for respondent within a fortnight from today i.e., on or before 05.08.2021.

4. List captioned second appeal under the same caption 'FINAL HEARING CASES' a fortnight thereafter.

List on 19.08.2021.'

3. A perusal of the case file brings to light that captioned second appeal arises out of a suit for declaration of title and permanent injunction qua suit property. The two defendants, who have suffered two concurrent judgments and decrees dated 04.08.2015 and 16.08.2019 in the trial Court and first Appellate Court are before this second appeal Court vide captioned second appeal. The trajectory the captioned second appeal has taken is captured in the proceedings in the main second appeal, which have been extracted and reproduced supra. The captioned CMP primarily predicated on the allegation that the respondent (plaintiff in the trial Court) is attempting to interfere with possession qua suit property.

4. This Court expresses no opinion on this allegation in this order. However, prayer in the captioned CMP is for a stay of the decrees. In the considered view of this Court, a prayer for stay of the judgments and decrees of the Courts below is untenable and misconceived.

5. Therefore, this Court deems it appropriate to dispose of the captioned CMP as closed albeit preserving the rights of the petitioners/appellants and leaving open all the contentions for taking out a suitable CMP with a suitable prayer, if so advised and if the need arises.

CMP disposed of as closed with the above observation i.e., preserving the rights of the petitioners/appellants in the aforesaid manner.

-sd/-
22/07/2021

/ TRUE COPY /

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



TO

1 THE SUBORDINATE JUDGE,
TIRUPATTUR, VELLORE DISTRICT

2 THE ADDITIONAL DISTRICT MUNSIF
TIRUPATTUR, VELLORE DISTRICT

C.C.TO MR.R.SUBRAMANIAN, Advocate SR.NO. 4108/2021

Order

in
CMP No.21563 of 2019

IN SA.NO.1004 of 2019

Date :22/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
DV 30/07/2021