



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Sixth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M. SUNDAR

CMP No.25223 of 2019

in S.A.NO.1153 of 2019

MUTHUSAMY

[PETITIONER]

Vs

1 ELANGO VAN

[RESPONDENTS]

2 SEKAR

3 BRAMMADEVAN

4 KARTHIKA

5 AMIRTHAM AMMAL

6 RAJENDRAN

7 MURUGAN

8 ALAMELU AMMAL

9 AZHAGAPATHY

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 judgment and decree dated 26.04.2019 and made in AS.No.39 of 2018 on the file of the I Additional Subordinate Judge, Villupuram, confirming the judgment and decree dated 23.01.2018 made in OS.No.118 of 2013 on the file of Principal District Munsif Court, Tirukovilur.(in CMP No.25223 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.G.ARUL MURUGAN, Advocate for the petitioner and of MR.T.SEZHIAN, ADVOCATE for the 1 to 5 Respondents and of MR.S.VINOTH KUMAR, ADVOCATE for the 8 and 9 Respondents, the court made the following order:-



Read this in conjunction with and in continuation of separate proceedings made in captioned main Second Appeal, which reads as follows:

'Mr.G.Arul Murugan, learned counsel on record for lone appellant, Mr.T.Sezhian, learned counsel on record for respondents 1 to 5 and Mr.S.Vinoth Kumar, learned counsel for respondents 8 and 9 are before this virtual Court. From the case file placed before this Court, it comes to light that respondents 6 and 7 have been served vide private notice on 26.12.2019 & 23.12.2019 respectively and their names are shown in the cause list. This Court is informed that they have not entered appearance through counsel and there is no representation.

2. All the aforementioned learned counsel request for an adjournment stating that they need some more time to prepare for advancing final hearing arguments in the captioned main Second Appeal.

3. Adjourned by four (4) weeks at request of all the aforementioned three learned counsel.

List on 23.08.2021. This Court is also informed that records have not been received from District Judiciary and Registry of this Court to do the needful.'

2. Case file placed before this Court brings to light that the suit before the trial Court was for declaration of title and injunction regarding possession qua plaint 'B' schedule property. After full contest, suit was decreed by trial Court, first defendant carried it in appeal and first Appellate Court dismissed the appeal confirming the decree of trial Court.

3. Therefore, decree is one for declaration of title and injunction. The sequitur is, further proceedings may not arise. In this view of the matter, captioned CMP is disposed of as closed albeit preserving the rights of the petitioner to take out a suitable CMP if the need arises depending on the trajectory the main captioned second appeal takes.

4. CMP disposed of as closed in the aforesaid manner. There shall be no order as to costs.

-sd/-

26/07/2021

/ TRUE COPY /

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



TO
WEB COPY

1 1ST ADDITIONAL SUBORDINATE
JUDGE, VILLUPURAM.

2 THE PRINCIPAL DISTRICT MUNSIF
COURT, TIRUKOVILUR.

COPY TO

THE SECTION OFFICER,
VR SECTION, HIGH COURT,
CHENNAI.

Order

in
CMP No.25223 of 2019

in S.A.NO.1153 of 2019

Date :26/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
GS 03/08/2021