



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Thirtieth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.SUNDAR

CMP No.27216 OF 2019

IN SA.NO.1253 OF 2019

M.SUBRAMANI

[PETITIONER]

Vs

RAMAIEE

[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 dated 27-06-2019 in AS No.41 of 2016 on the file of the Principal Subordinate Court, Namakkal reversing the Jugement and decree dated 30-11-2015 in OS NO.305 of 2012 on the file of the Principal District Munsif Court, Namakkal (IN CMP.NO.27216 OF 2019) pending disposal of the above Second Appeal NO.1253 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.SHIVAKUMARAN, Advocate for the petitioner and of MR.C.THANGARAJU, ADVOCATE on behalf of the Respondents the court made the following order

Mr.D.Shivakumaran, learned counsel on record for petitioner/appellant and Mr.C.Thangaraju, learned counsel on record for respondent/respondent are before this Virtual Court.

2. Captioned main second appeal arises out of a partition suit between siblings. Trial Court dismissed the suit after full contest. Plaintiff carried the matter in appeal to First Appellate Court, which interfered with the trial Court findings and reversed the same by allowing the first appeal. This means that there is a preliminary decree for partition now. Therefore, the defendant is before this second appeal Court.



3. Captioned main second appeal is admitted today (30.07.2021) on two substantial questions of law.

4. Captioned Civil Miscellaneous Petition [CMP] has been taken out by appellant in second appeal with a prayer to stay all further proceedings pursuant to preliminary partition decree.

5. In the light of the narrative thus far, the aforementioned learned counsel on both sides submit that usual order that the final decree proceedings can go on, but a stay of passing of final decree alone will serve the purpose.

6. Captioned CMP is disposed of, by saying that the final decree proceedings if any, can go on, but there shall be a stay of passing of final decree alone. There shall be no order as to costs.

-sd/-
30/07/2021
/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT
MUNSIF NAMAKKAL.

2 THE SUBORDINATE JUDGE
NAMAKKAL.

Order

in
CMP.27216/2019
IN SA.NO.1253 OF 2019

Date :30/07/2021

From 26.2.2001 the Registry is issuing certified
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TP (10/08/2021)