



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Tenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.1148 of 2021
in
S.A.(MD)No.79 of 2021

P.RAMASUBBU

... PETITIONER/ APPELLANT

Vs

THE COMMISSIONER
KODAIKANAL MUNICIPALITY, KODAIKANAL.

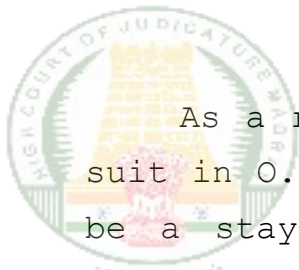
... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of the Decree and Judgment passed by the Honourable Principal Subordinate Judge Court at Palani, made in A.S. No.43 of 1997 dated 04.11.2020 and all proceedings pursuant thereto pending disposal of the present Second Appeal.

Prayer in SA(MD). 79/ 2021 :

To set aside the decree and judgment passed by the Honourable Principal Subordinate Judge Court at Palani in AS No.43 of 1997 dated 04.11.2020 reversing the Judgment of the District Munsif cum Judicial Magistrate Court at Kodaikanal passed in OS No.205 of 1995 dated 31.03.1997 with costs throughout and render justice.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.T.RAVICHANDRAN, Advocate for the petitioner, While admitting the Second Appeal, the court made the following order:-



As a result of judgment and decree of the appellate Court, the suit in O.S.No.205 of 1995 has been dismissed. Hence, there cannot be a stay of operation of a decree of dismissal. Hence, this petition is dismissed as being misconceived, leaving open to the petitioner/appellant to file appropriate application.

sd/-
10/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE,
PALANI
- 2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KODAIKANAL.

ORDER
IN
CMP (MD) No.1148 of 2021
Date :10/02/2021

CMR
MS/VR/SAR-3/11.02.2021/2P.3C