



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

Tuesday, the Sixteenth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP (MD) No.1688 of 2021

IN

SA (MD) No.102 of 2021

S.K.P.KANNIAPPAN

... PETITIONER/PETITIONER

Vs

P.MARIAPPAN

... 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 dated 01-03-2018 dated in O.S.No. 305 of 2013 on the file of the Additional Sub Court, Tenkasi pending disposal of the above Second Appeal.

PRAYER IN SA (MD) No.102 of 2021:

To set aside the decree and judgment dated 28-11-2019 passed in A.S.No.66 of 2018 on the file of Additional District and Session Court (Fast Track), Tenkasi confirming the decree and judgment dated 01-03-2018 in O.S.No.305 of 2013 on the file of the Additional Sub Court, Tenkasi by allowing this Second Appeal.

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.Y.PRAKASH, Advocate for the petitioner and of Mr.M.P.SENTHIL, Advocate/Caveator on behalf of the Respondent, the Court made the following order:-

Heard Mr.Y.Prakash, the learned counsel appearing for the petitioner and Mr.M.P.Senthil, the learned counsel appearing for the respondent.



2.The petitioner seeks stay of execution of the decree in O.S.No.305 of 2013, on the file of the Additional Subordinate Court, Tenkasi. The said decree is one for specific performance. The appeal has since been admitted, if the decree is allowed to be executed pending appeal, there is possibility of appeal becoming infructuous. Hence, interim stay granted on 01.03.2021 is made absolute. The Civil Miscellaneous Petition is allowed.

sd/-
16/03/2021

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

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FAST TRACK COURT, TENKASI

2.THE ADDITIONAL SUBORDINATE JUDGE, TENKASI.

ORDER
IN
CMP (MD) No.1688 of 2021
IN
SA (MD) No.102 of 2021
Date :16/03/2021

VRN
PK/SMA/SAR-II/22.03.2021 : 2P/3C