



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

Friday, the Fifth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

**CMP(MD) No.2162 of 2021
in
SA(MD)No.145 of 2021**

THANKAMANI

... PETITIONER/APPELLANT

Vs

KADAYANALLOOR MUNICIPALITY
REP BY ITS COMMISSIONER,
KADAYANALLOOR, TENKASI TALUK,
TENKASI DISTRICT.

... RESPONDENT/RESPONDENT

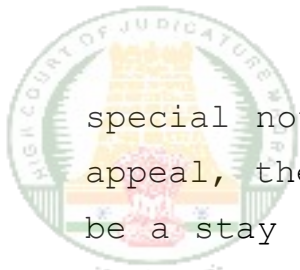
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the special notice of the respondent Ex.A2 nil dated pending disposal of the Second Appeal.

PRAYER IN SA(MD)No.145 of 2021:

To allow the second Appeal and set-aside the judgment and decree in A.S.No.80 of 2016 dated 03.06.2020 on the file of Additional Subordinate Judge Court, Tenkasi reversing the judgment and decree in O.S.No.380 of 2010 dated 14.11.2014 on the file of Principal District Munsif Court, Tenkasi.

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.C.GODWIN, Advocate for the petitioner, while admitting the Second Appeal, the Court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/> The Suit in O.S.No.380 of 2010 filed for declaration that



special notice is null and void was decreed by the Trial court. On appeal, the suit was dismissed by the appellate court. There cannot be a stay of a dismissal. Hence, this petition is dismissed leaving it open to the petitioner to seek appropriate interim order.

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05/03/2021

/ TRUE COPY /

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

TO

- 1.THE PRINCIPAL DISTRICT MUNSIF,
TENKASI.
- 2.THE ADDITIONAL SUBORDINATE JUDGE,
TENKASI.

ORDER
IN
CMP (MD) No.2162 of 2021
in
SA (MD) No.145 of 2021
Date :05/03/2021

CM
AE/SMA/SAR-III (15/03/2021) 2P / 3C