



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Sixth day of January Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.7317 of 2020

IN

SA(MD) No.717 of 2020

1 MUNIYAMMAL
2 KANAGARAJ
3 PALANICHAMY
4 KARUPPASAMY
5 MURUGAN
6 IYAMMAL
7 RAVICHANDRAN
8 THANGAVELU

... PETITIONERS/APPELLANTS

(7th APPELLANT IS REP. THROUGH HIS POWER
AGENT, THE 3rd APPELLANT HEREIN)

Vs

1 SEGAPPA PANDIAR
2 SANTHI
3 NOORJAHAN
4 SHEIKYEISEL
5 FARIDHAL
6 MOHIDEEN BADHUSHA
7 ALI BADHUSHA
8 BANU
9 JASMEENAL
10 HUSSAIN

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant interim stay, staying the operation of the Judgment and Decree of the learned Principal Subordinate Judge, Tenkasi passed in A.S.No.9 of 2018 dated 17.09.2019 confirming the Judgment and Decree of the learned District Munsif, Sencottah passed in O.S.No.7 of 2011 dated 17.11.2017 pending disposal of this SA(MD) No.717 of 2020.

Prayer in SA(MD). 717/ 2020 :

Second Appeal filed may be pleased to call for the records relating to the Second Appeal as against the judgment and decree of the learned Principal Subordinate Judge, Tenkasi passed in A.S.No.9



of 2018 dated 17.09.2019 confirming the Judgment and Decree of the learned District Munsif, Sencottah passed in O.S. No.7 of 2011 dated 17.11.2017 by allowing the 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 M/S.D.SRINIVASARAGAVAN, Advocate for the petitioners, while admitting the Second Appeal, the Court made the following order:-

The Suit filed by the plaintiffs seeking declaration and injunction has been dismissed by the Courts below. Therefore, there is no executable decree. Hence, this Civil Miscellaneous petition is dismissed, leaving it open to the petitioners to file appropriate petition.

sd/-
06/01/2021

/ TRUE COPY /

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

TO

1. THE PRINCIPAL SUBORDINATE JUDGE,
TENKASI.

2. THE DISTRICT MUNSIF,
SHENCOTTAH.

+1 CC to M/s.A.ARIVUCHANDRAN, Advocate (SR-80[I] dated 06/01/2021)

ORDER
IN
CMP(MD) No.7317 of 2020 IN
SA(MD) No.717 of 2020
Date :06/01/2021

VRN
SRS/KV/SAR-IV/11.01.2021/2P/4C