



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

Friday, the Sixth day of August Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN
and
The Hon'ble Mrs.Justice J.NISHA BANU

CMP(MD) No.2980 of 2020 IN
AS(MD) No.88 of 2020

N.K.RAJAMARTHANDAN

... PETITIONER/APPELLANT

Vs

1. SAGUNTHALA
2. MALLIGA
3. KANNAN
4. KUNJAMMAL
5. CHITRA
6. KAVITHA

GOPINATH (DIED)

7. AMUTHA
8. SUMITHRA
9. MUTHUSELVI
10. MINOR KAMALESWARAN

(REP BY HIS MOTHER AND GUARDIAN THE 9TH RESPONDENT
MUTHUSELVI)

... RESPONDENTS/RESPONDENTS

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 decree and judgement passed in O.S.No. 107 of 2015 on the file of III Additional District Court, Thanjavur at Pattukottai dated 12.06.2019 pending disposal of the above appeal.

Prayer in AS(MD) No. 88/ 2020 :

To call for records and set aside the decree and judgment passed in O.S.No. 107/2015 on the file of III Additional District Court, Thanjavur at Pattukkottai dated 12.06.2019.

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.V.K.VIJAYARAGAVAN, Advocate for the petitioner and of Mr.S.J.CHAKKARAVARTHY, Advocate for the 3rd Respondent, the court made the following order:-



[Order of the Court was made by V.BHARATHIDASAN, J.]

Heard Mr.V.K.Vijayaragavan, learned counsel appearing for the petitioner/appellant/9th defendant and Mr.S.J.Chakkaravarthy, learned counsel for the third respondent.

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2. Against the preliminary decree passed in the partition suit on 12.06.2019 in O.S.No.107 of 2015 on the file of the III Additional District Court, Thanjavur, the 9th defendant is before this Court.

3. In the pending appeal, the petitioner has sought for stay of all further proceedings before the trial Court.

4. Considering the fact that the appeal has been filed against a preliminary decree, there will be an order of stay of passing of final decree alone, and other proceedings pursuant to the preliminary decree may go on. Accordingly, this Civil Miscellaneous Petition is closed.

sd/-
06/08/2021

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

TO

THE III ADDITIONAL DISTRICT JUDGE,
THANJAVUR AT PATTUKOTTAI.

+1 CC to Mr.VIJAYARAGAVAN, Advocate (SR-5173[I] dated 06/08/2021)

ORDER IN
CMP(MD) No.2980 of 2020
IN
AS(MD) No.88 of 2020
Date :06/08/2021

pm
USK/JM/SAR-I : 13/08/2021 : 2P/3C