



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

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

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) Nos.3068 and 4697 of 2021

IN

SA(MD) No.392 of 2020

1 THE DISTRICT COLLECTOR,
SIVAGANGAI,
SIVAGANGAI DISTRICT.

2 THE TAHSILDAR,
THIRUPPUVANAM,
SIVAGANGAI DISTRICT.

... PETITIONERS/RESPONDENTS/RESPONDENTS
IN CMP(MD)No.3068/2021 IN SA(MD)No.392/2020

... RESPONDENTS/RESPONDENTS
IN CMP(MD)No.4697/2021 IN SA(MD)No.392/2020

Vs

ANNAKALANJIYAM

... 1st RESPONDENT/PETITIONER/APPELLANT
IN CMP(MD)No.3068/2021 IN SA(MD)No.392/2020

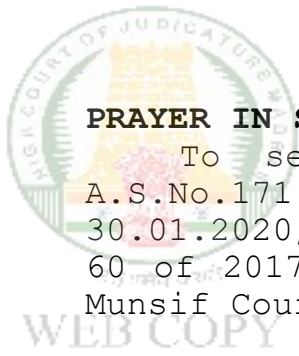
... PETITIONER/APPELLANT
IN CMP(MD)No.4697/2021 IN SA(MD)No.392/2020

PRAYER IN CMP(MD)No.3068/2021 IN SA(MD)No.392/2020:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Vacate the Interim Order dated 29.09.2020 granted by this Honourable Court in C.M.P.(MD).No.4697 of 2020 in S.A.(MD).No.392 of 2020.

PRAYER IN CMP(MD)No.4697/2021 IN SA(MD)No.392/2020:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the judgment and decree passed by the Principal District Munsif Court, Manamadurai in O.S.No.60/2017 dated 08.12.2017, as confirmed in A.S.No.171/2019 dated 30.01.2020 on the file of the Subordinate Judge, Manamadurai pending this Second Appeal.



PRAYER IN SA(MD)No.392 of 2020:

To set aside the Judgment and decree passed by the in A.S.No.171 of 2019 on the file of the Sub Court, Manamadurai dated 30.01.2020, confirming the judgment and decree passed by the O.S.No. 60 of 2017 dated 08-12-2017 on the file of the Principal District Munsif Court, Manamadurai by allowing this Second Appeal.

ORDER :These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr.VR.SHANMUGANATHAN, Special Government Pleader for the petitioner in CMP(MD)No.3068/2021 and the Respondent in CMP(MD)No.4697/2021 and of Mr.P.SENTHUR PANDIAN, Advocate for the Petitioner in CMP(MD)No.4697/2021 and the Respondent in CMP(MD)No.3068/2021, the Court made the following order:-

C.M.P.(MD) No.4697 of 2021 has been filed seeking stay of the judgment and decree in O.S.No.60 of 2017 on the file of the Principal District Munsif Court, Manamadurai as confirmed in A.S.No.171 of 2019 on the file of the Sub Court, Manamadurai.

2.The suit was filed by the plaintiff/appellant seeking declaration of title on the basis of possession. The suit was dismissed by the trial Court and the said dismissal was confirmed by the appellate Court. As there is no executable decree, the application for stay is misconceived. Hence, this petition is dismissed. The interim order granted earlier will stand vacated.

3.In view of the same, C.M.P.(MD) No.3068 of 2021 is allowed. The petitioner will be at liberty to seek appropriate interim order, if he is so advised.

sd/-
26/03/2021

/ TRUE COPY /

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

TO

1.THE PRINCIPAL DISTRICT MUNSIF, MANAMADURAI

2.THE SUBORDINATE JUDGE, MANAMADURAI

ORDER IN
CMP(MD) Nos.3068 and 4697 of 2021
IN SA(MD) No.392 of 2020
Date :26/03/2021

MM

PK/SMA/07.04.2021 : 2P/3C

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