



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

Wednesday, the Third day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.1555 of 2019
IN
SA(MD) No.36 of 2019

R.GANESAN

... PETITIONER/ APPELLANT

Vs

MANIMEKALAI

... 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 of all further proceedings in O.S.No.302 of 2013 on the file of District Munsif Court, Pudukottai, pending disposal of the above Second Appeal.

Prayer in SA(MD) No.36 of 2019:

To set aside the Judgment and Decree made in A.S.No.29 of 2016 dated 03.10.2018 on the file of the Principal Sub-Court, Pudukottai reversing the Judgment and Decree passed in I.A.No.882 of 2015 in O.S.No.302 of 2013 on the file of the District Munsif Court, Pudukottai dated 15.04.2016.

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.S.MEENAKSHI SUNDARAM, Senior Counsel for Mr.S.KUMAR, Advocate for the petitioner and of Mr.J.ANANDKUMAR, Advocate on behalf of the Respondent, the court made the following order:-

The second appeal is against and order allowing the appeal challenging and order rejecting the plaint. The appeal has been admitted. If further proceedings are allowed to go on in the suit, there is a possibility of appeal becoming infructuous. Hence, the stay granted on 25.04.2019 is made absolute. Accordingly, this petition is allowed.



2. Mr.J.Anandkumar, learned Counsel would represent that caveat had expired. Hence, notice to the respondent in the appeal returnable by 05.04.2021. Private notice is also permitted.

sd/-
03/03/2021

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

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE,
PUDUKOTTAI.
- 2 THE DISTRICT MUNSIF,
PUDUKOTTAI.

ORDER
IN
CMP (MD) No.1555 of 2019
IN
SA (MD) No.36 of 2019
Date :03/03/2021

cmr
MS/PN/SAR-4/09.03.2021/2P.3C