



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

Thursday, the Twenty First day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mr. Justice R.SUBRAMANIAN

CMP(MD)Nos.4702 of 2020 & 9215 of 2017

in

SA(MD)No.441 of 2017

Malliga

... Petitioner/Respondent/Respondent
in CMP(MD). 4702/ 2020

... Respondent/Respondent
in CMP(MD). 9215/ 2017

- Vs. -

1. Alagarsamy Chettiar
2. Sivakumar
3. Pandiarajan
4. Alagu Sundaram
5. Nirmala Devi
6. Palanichelvan
7. Manickam

... Respondents/Petitioners/Appellants
in CMP(MD). 4702/ 2020

... Petitioners/Appellants
in CMP(MD). 9215/ 2017

Prayer in CMP(MD). 4702/ 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 10.10.2017 granted by this Honourable Court in CMP(MD).No.9215/2017 in SA(MD).No.441/2017.

Prayer in CMP(MD). 9215/ 2017 :

To stay all further proceedings of the decree and judgment dated 27/02/2017 in A.S.No. 9 of 2016 on the file of District Judge, Sivagangai confirming the judgment and decree dated 03/03/2016 made in O.S.No. 91 of 2010 on the file of Sub Court, Sivagangai.

Prayer in SA(MD)No.441 of 2017:

To set aside the decree and judgment passed in A.S.No.9 of 2016 on the file of the District Judge, Sivagangai dated 27.02.2017 confirming the Judgment and Decree made in O.S.No.91 of 2010 on the file of Subordinate Court, Sivagangai dated 03.03.2016 and allowed the Second Appeal.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.VR.SHANMUGANATHAN, Advocate for

<https://hdservices.courts.gov.in/hdservices/>



9215/2017 and of Mr.D.Muruganantham, Advocate on behalf of the Respondents in CMP(MD).4702/2020 and Petitioners in CMP(MD). 9215/2017, the court made the following order:-

This application has been filed by the respondent in the appeal seeking to vacate the interim order of stay granted in CMP(MD) No.9215 of 2017 on 10.10.2017.

2. Since the suit is one for partition, if the stay granted is vacated and final decree is passed, there is every likelihood the appeal will become infructuous. Hence, I do not see any ground to vacate the interim order.

3. Therefore, CMP(MD) No.4702 of 2020 is dismissed. CMP(MD) No.9215 of 2017 is allowed. Stay granted by this Court earlier is made absolute.

4. Registry is directed to post the appeal for final hearing on 05.04.2021.

sd/-
21/01/2021

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

TO

1 THE DISTRICT JUDGE, SIVAGANGAI.

2 THE SUBORDINATE JUDGE, SIVAGANGAI.

ORDER
IN
CMP (MD) Nos.4702 of 2020
& 9215 of 2017
in
SA(MD)No.441 of 2017
Date :21/01/2021

vrn
JM/VR/SAR III/27.01.2021/2P/3C