



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

Thursday, the Twenty Eighth day of October Two Thousand and
Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
and
The Hon`ble Mrs.Justice S.ANANTHI

C.M.P. (MD) No.6113 of 2021
in
A.S. (MD) No.175 of 2021

R.CHINNASAMY PANDIAN ... PETITIONER/APPELLANT/PLAINTIFF

Vs

R.SIVAKUMAR (DIED)

1. KASTHURI

2 MINOR. RAJA RAJESWARI
(MINOR 2ND RESPONDENT REPRESENTED
BY HER MOTHER AND NATURAL GUARDIAN
1ST RESPONDENT HEREIN) ... RESPONDENTS/RESPONDENTS/DEFENDANTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to STAY the decree and judgment passed in O.S.No.54 of 2014 dated 01.02.2020 by the Learned I Additional District Judge, Madurai.

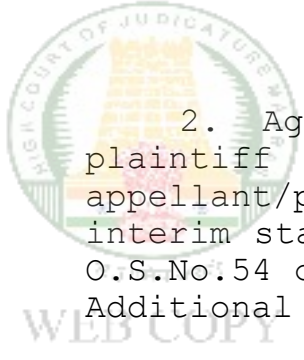
Prayer in AS (MD) . 175 of 2021 :

Pleased to set aside the judgment and decree dated 01.02.2020 passed in OS No.54 of 2014 on the file of the I Additional District Judge, Madurai and allow the present 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 MR.K.K.KANNAN, Advocate for the petitioner the court made the following order:-

(Order of the Court was made by **V.BHARATHIDASAN, J.**)

Heard Mr.K.K.Kannan, learned counsel appearing for the
petitioner/appellant/plaintiff.



2. Against the dismissal of the suit for partition, the plaintiff has filed this appeal suit and pending appeal, the appellant/plaintiff filed an interlocutory application seeking interim stay of the judgment and decree dated 01.02.2020 passed in O.S.No.54 of 2014 on the file of the I Additional District Judge, Madurai.

3. Considering the fact that the suit filed by the appellant/plaintiff had been dismissed, there is no question of staying the judgment and decree passed by the trial Court and this petition is not maintainable.

4.Hence, this Civil Miscellaneous Petition is dismissed.

sd/-
28/10/2021

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

TO

THE I ADDITIONAL DISTRICT JUDGE, MADURAI.

+1. C.C. to M/S.K.K.KANNAN Advocate SR.No.7582

ORDER
IN
C.M.P. (MD) No.6113 of 2021
in
A.S. (MD) No.175 of 2021
Date :28/10/2021

VB/VR/SAR-IV/08.11.2021/2P/3C