



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

Thursday, the Thirtieth day of September 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.7484 of 2021
in
A.S(MD)No.230 of 2021

1 V.ARUMUGATHAMMAL
2 V.SUBRAMANIYAN

... PETITIONERS/ APPELLANTS

Vs

1 S.VEERAMMAL
2 S.ESAKKIPANDI
3 S.VEERAMANIDAN
4 N.ESWARI
5 M.NAINAR

... 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 of operation of the Judgment and Decree dated 30.04.2021 passed in O.S.No.15 of 2019 on the file of IV-Additional District Judge, Tirunelveli, pending disposal of the First Appeal Suit before this Honourable Court.

Prayer in AS(MD) . 230/ 2021 :

To allow this appeal by setting aside the Judgment and decree in O.S.No.15 of 2019 dated 30.04.2021 on the file of the IV-Additional District Judge, Tirunelveli.

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.J.ASHOK, Advocate for the petitioners and of Mr.H.ARUMUGAM, Advocate on behalf of the Respondents 1 to 3, the court made the following order:-

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

The Appellants / Defendants are before this Court against the preliminary decree passed in a partition suit by the learned IV Additional District Judge, Tirunelveli in O.S.No.15 of 2019. Pending appeal, they sought for stay the operation of the Judgment and Decree passed by the Court below.



2. Heard the learned counsel appearing for the petitioners and the respondents.

3. Considering the fact that it is a suit for partition, as against the preliminary decree passed in the Suit, the present Appeal has been filed, there shall be an order of interim stay of passing of final decree alone and other proceedings may go on.

4. Accordingly, this Civil Miscellaneous Petition is disposed of.

sd/-
30/09/2021

/ TRUE COPY /

/ /2021

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

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO
THE IV-ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

ORDER
IN
CMP(MD) No.7484 of 2021 in
A.S(MD)No.230 of 2021
Date :30/09/2021

MPK
MS/VR/SAR-4/11.10.2021/2P.2C