



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

Monday, the First day of February Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mr. Justice R. SUBRAMANIAN

CMP (MD) No.6268 of 2020
IN
SA (MD) No.584 of 2020

PUDUR THERKU MUTHIAHPURAM KULAKKATTANKURICHI,
NADAR URAVINMURAI KALVI SANGAM,
REGISTRATION No. 3 of 2005,
VILATHIKULAM TALUK,
THOOTHUKUDI DISTRICT.
THROUGH ITS PRESIDENT
SAKTHIVEL

... PETITIONER/APPELLANT

Vs

KAMARAJ

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of stay the operation of the decree dated 12.03.2020 passed in the appeal in A.S. No.44 of 2018 on the file of the Subordinate Court, Kovilpatti reversing the decree dated 20.08.2018 passed in the suit in O.S. No. 38 of 2013 on the file of the District Munsif cum Judicial Magistrate Court, Vilathikulam pending disposal of the Second Appeal.

Prayer in SA(MD)No.584/2020 :

To pass a judgment and decree setting aside the judgment and decree dated 12.03.2020 passed in the appeal in A.S. No. 44 of 2018 on the file of the Sub Court, Kovilpatti reversing the Judgement and decree dated 20.08.2018 passed in the suit in O.S. No. 38 of 2013 on the file of the District Munsif cum Judicial Magistrate Court, Vilathikulam and dismissing the suit in entirety with costs throughout and thus allow the appeal with costs through out.

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.BARATHAN for Mr.T.R.JEYAPALAM, Advocate for the petitioner, the Court made the following order:-

Considering the nature of decree passed by the appellate Court, which, to my mind is *prima facie* unsustainable, the stay granted by



this Court on 11.12.2020 is made absolute and accordingly, this petition is disposed of.

sd/-
01/02/2021

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/ /2021

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

TO

1. THE SUBORDINATE JUDGE, KOVILPATTI.

2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VILATHIKULAM

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-597[I] dated 02/02/2021)

ORDER
IN
CMP (MD) No.6268 of 2020
IN
SA (MD) No.584 of 2020
Date :01/02/2021

CMR
TE/SMA/SAR-I : 04/02/2021 : 2P/4C