



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

Friday, the Twelfth day of February Two Thousand and Twenty One

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PRESENT

The Hon'ble Mr.Justice R.SUBRAMANIAN

CMP (MD) No.6176 of 2020

IN

SA (MD) No.556 of 2019

PONNUTHAI

... PETITIONER/RESPONDENT/
RESPONDENT

Vs

1 DAISY GNANAMMAL

2 MASILAMANI SUNDARARAJ

... RESPONDENTS/PETITIONERS/
APPELLANTS

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 21.11.2019 granted by this Honourable Court in CMP (MD) No.11131 of 2019 in SA (MD) No.556 of 2019.

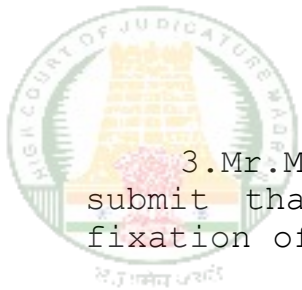
Prayer in SA (MD) No.556/2019 :

To set aside the Judgment and decree of the learned Principal District Court, Tirunelveli dated 08.08.2019 made in A.S.No.129 of 2018 confirming the Judgment and decree of the learned Principal Subordinate Court, Tirunelveli, dated 25.09.2018 made in O.S.No.73 of 2013 and allow this 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.S.P.MAHARAJAN, Advocate for the petitioner and the Respondents not appeared either in person or by an Advocate, the Court made the following order:-

Heard Mr.S.P.Maharajan, the learned counsel for the petitioner. There is no representation on the part of the respondent. This application has been filed seeking to vacate the interim order granted by this Court on 21.11.2019.

2.The suit is one for partition and preliminary decree was granted. Upon admission of the Second Appeal, interim stay of all further proceedings pursuant to the preliminary decree was granted.



3.Mr.Maharajan, the learned counsel for the petitioner would submit that it should be left open to the respondents to seek fixation of future profits/damages for use of occupation.

4.Considering the said request, the interim order granted is modified and the stay granted is restricted from passing final decree alone. It is left open to the respondents in the appeal/petitioners in CMP (MD) No.6176 of 2020, to seek fixation of future income, under order 20 Rule 12 of Code of Civil Procedure.

5.Accordingly, this Civil Miscellaneous Petition is ordered.

sd/-
12/02/2021

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

TO

1. THE PRINCIPAL DISTRICT JUDGE, TIRUNELVELI.
2. THE PRINCIPAL SUBORDINATE JUDGE, TIRUNELVELI.

ORDER
IN
CMP (MD) No.6176 of 2020
IN
SA(MD) No.556 of 2019
Date :12/02/2021

VRN
TE/VR/SAR-I : 22/02/2021 : 2P/3C