



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

Thursday, the Twenty Fifth day of February Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.7290 of 2020

IN

SA(MD) No.710 of 2020

1 S.NATCHIMUTHU
2 N.MURUGESAN
3 K.ILAYAMMAL
4 K.RAMALINGAM

... PETITIONERS/APELLANTS

Vs

K.KANDASAMY GOUNDER (DIED)

1 K.NATCHIMUTHU
2 R.SELLAMMAL

... RESPONDENTS/RESPONDENTS

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 INTERIM STAY of operation of the judgement and decree dated 02.11.2020 passed in A.S.No. 36 of 2016 on the file of Additional Sub Court, Karur confirming the judgement and decree dated 06.06.2016 passed in O.S.No.409 of 2009 on the file of the Principal District Munsif Court, Karur.

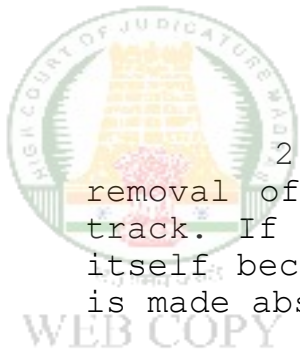
PRAYER IN SA(MD)No.710/2020:

To set aside the Judgment and Decree dated 02.11.2020 passed in A.S.No.36 of 2016 on the file of the Additional Sub Court, Karur confirming the Judgment and Decree dated 06.06.2016 passed in O.S.No.409 of 2009 on the file of the Principal District Munsif Court, karur by allowing this Second 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.D.MEENAKSHISUNDARAM for Mr.R.NIRESH KUMAR, Advocate for the petitioners and of Mr.K.SURESH, Advocate for the Respondents, the Court made the following order:-

Heard Mr.V.Meenakshisundaram, the learned counsel appearing for the petitioner and Mr. Suresh, the learned counsel appearing for the respondents.

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2. Decree is one for mandatory injunction, directing removal of the fencing put up in the portion of the alleged cart track. If the stay is vacated, there is possibility of the appeal itself becoming infructuous. Hence, the stay granted on 05.01.2021 is made absolute. The Civil Miscellaneous Petition is allowed.

sd/-
25/02/2021

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

TO

1. THE ADDITIONAL SUBORDINATE JUDGE, KARUR

2. THE PRINCIPAL DISTRICT MUNSIF, KARUR

ORDER
IN
CMP(MD) No.7290 of 2020
IN
SA(MD) No.710 of 2020
Date : 25/02/2021

vrn
AE/JC/SAR-I (04/03/2021) 2P / 3C