



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

Monday, the Eighth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.3461 of 2016

IN

SA(MD) No.263 of 2016

VELDURAI

... PETITIONER/APPELLANT

Vs

ARUMUGATHAMMAL

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to suepend the Judgment and Decree dated 01.07.2011 passed in A.S.No.23 of 2011 on the file of the Additional District Judge, Fast Track Court No.I, Thoothukudi confirming the Judgment and Decree dated 22.07.2009 passed in O.S.No.68 of 2007 on the file of the District Munsif, Srivaikuntam and pending disposal of the SA(MD) No.263 of 2016.

PRAYER IN SA(MD) No.263 of 2016:

Second Appeal against the Judgment and decree dated 01.07.2011 passed in A.S.No.23 of 2011 on the file of the Additional District Judge, Fast Track Court No.1, Thoothukudi confirming the Judgment and decree dated 22.07.2009 passed in O.S.No.68 of 2007 on the file of the District Munsif, Srivaikuntam.

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 M/S.JAYAPPAUL ASSOCIATES for the petitioner and of Mr.M.P.SENTHIL, Advocate on behalf of the Respondent, the Court made the following order:-

The decree under challenge is one for permanent injunction. The Trial Court decreed the suit on 22.07.2009 and the appeal, therefrom, was dismissed on 01.07.2011. It is almost 10 years now. There is no interim order operating in favour of the petitioner. The affidavit does not disclose that the petitioner was protected by any interim order pending the suit or appeal. Since the petitioner had



no benefit of interim order pending the suit or appeal, the petition to suspend the operation of decree is dismissed.

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08/03/2021

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

TO

- 1.THE ADDITIONAL DISTRICT JUDGE,
FAST TRACK COURT NO.I, THOOTHUKUDI.
- 2.THE DISTRICT MUNSIF,
SRIVAIKUNTAM.

ORDER
IN
CMP (MD) No.3461 of 2016
IN
SA(MD) No.263 of 2016
Date :08/03/2021

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AE/SMA/SAR-IV (11/03/2021) 2P / 3C