



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.330 of 2017

IN

SA(MD) No.11 of 2017

PALANIVELU

... PETITIONER/APPELLANT

Vs

1 M.ANBAZHAGAN

2 A.KATHIRAVAN

3 G.GANESAN

... 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 Suspend the judgment and decree dated 30.01.2015 made in O.S.No.167 of 2014 on the file of District Munsif Court, Theni, confirmed by the judgment and decree dated 07.10.2016 made in A.S.No.12 of 2015 on the file of Sub Court, Theni pending disposal of the above Second Appeal

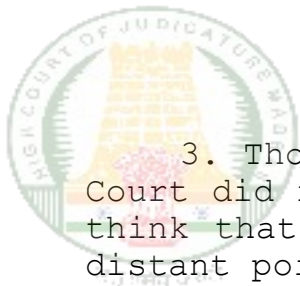
PRAYER IN SA(MD) No.11 of 2017:

To set aside the judgment and decree dated 07.10.2016 made in A.S.No.12 of 2015 on the file of Sub-Court, Theni confirming the judgment and decree dated 30.01.2015 made in O.S.No.167 of 2014 on the file of District Munsif Court, Theni, and to dismiss the suit with costs.

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.A.ARUMUGAM for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of Mr.K.GUHAN, Advocate on behalf of the Respondents 1 to 3, the Court made the following order:-

This petition has been filed seeking suspension of operation of Judgment and Decree dated 30.01.2015 made in O.S.No.167 of 2014, which were confirmed by the Appellate Court in A.S.No.12 of 2015 by its Judgment and Decree dated 07.10.2016.

2.The suit was one for declaration and permanent injunction. The suit was decreed on 30.01.2015. The said decree came to be confirmed on appeal on 07.10.2016. The affidavit does not disclose that the petitioner had the benefit of interim order pending the suit or appeal.



3. Though the second appeal was admitted in the year 2017, this Court did not deem fit to grant any interim order. Hence, I do not think that the petitioner is entitled to any interim order at this distant point of time. This petition is, therefore, dismissed.

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sd/-
08/03/2021

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

TO

1.THE SUBORDINATE JUDGE,
THENI

2.THE DISTRICT MUNSIF,
THENI

+1. C.C. to Mr.K.GUHAN, Advocate, SR.No.189

ORDER
IN
CMP(MD) No.330 of 2017
IN
SA(MD) No.11 of 2017
Date :08/03/2021

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PK/SMA/SAR-IV/12.03.2021 : 2P/4C