



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Twenty First day of January Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.953 of 2017

IN

SA(MD) No.38 of 2017

V.MURUGAN

... PETITIONER/APPELLANT

Vs

ATHIMA MUNIVAR SAMUDHAYA TRUST,
EAST STREET, NAGERCOIL
AGATEESWARAM TALUK,
KANYAKUMARI DISTRICT.
REP BY ITS TRUSTEES,

1 P.ANNADURAI

2 S.GOVINDHASWAMY

... 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 stay of all further proceedings in A.S.No.46/2014 pending on the file of the Principal Sub Court, Nagercoil, Kanyakumari District dated 23.09.2016 reversing the Judgment and decree dated 18.02.2014 made in O.S.No.467/2010 on the file of Principal District Munsif Court, Nagercoil, Kanyakumari dt, pending disposal of the main second appeal.

Prayer in SA(MD) No.38 of 2017:

To call for the records of the Judgment and decree dated 23.09.2016 made in A.S.No.46 of 2014 on the Principal Sub Court, Nagercoil, Kanyakumari District, reversing the Judgment and decree dated 18.02.2014 made in O.S.No.467/2010 on the file of Principal District Munsif Court, Nagercoil, Kanyakumari District and set aside the same.

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.L.GEORGE PAUL ANTO, Advocate for the petitioner, the Court made the following order:-

This petition has been filed seeking stay of operation of the decree granted in O.S.No.467 of 2010, on the file of the Principal District Munsif Court, Nagercoil, Kanyakumari District in A.S.No.46 of 2014, on the file of Sub Court, Nagercoil.

2. Decree granted by the Appellate Court is one permanent injunction restraining the defendants from alienating or encumbering the property, there is no question of further proceedings pursuant to the said decree. Leaving it open to the petitioner to seek appropriate relief of suspension of decree for interim injunction, this petition is dismissed.

sd/-
21/01/2021

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SUBORDINATE JUDGE,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. THE PRINCIPAL DISTRICT MUNSIF,
NAGERCOIL, KANYAKUMARI DISTRICT.

+1 CC to M/s.R.MURUGAN, Advocate (SR-409[I] dated 22/01/2021)
+1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-382[I] dated 21/01/2021)

ORDER
IN
CMP(MD) No.953 of 2017
IN
SA(MD) No.38 of 2017
Date :21/01/2021

TRP
TE/PN/SAR-III : 29/01/2021 : 2P/5C