



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Ninth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE S.S.SUNDAR

CMP No.17983 of 2021 &14710/2021 in

SA NO.749/2021

CHINNARAJI

[PETITIONER IN CMP.17983/2021 &
RESPONDENT IN CMP.14710/2021]

Vs

VENKATAPPAN

[RESPONDENT IN CMP.17983/2021 &
PETITIONER IN CMP.14710/2021]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the order of interim stay dated 23.09.2021 passed in CMP.NO.14710 of 2021 in SA.NO.749/2021.(IN CMP.17983/2021) and;

(ii) To stay all further proceedings in O.S.No.29 of 2013 on the file of Sub-Court, Tirupattur as confirmed in A.S.No.3 of 2019 on the file of III Additional District Court Vellore at Tirupattur (CMP.14710/2021)pending disposal of Second Appeal.SA.749/2021

Order : These petitions coming on this on this day for hearing for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.ELIZABETH RAVI, Advocate for the petitioner in CMP.17983/2021 & respondent in CMP.14710/2021 and of MR.R.SUBRAMANIAN, ADVOCATE for the respondent in CMP.17983/2021 & petitioner in CMP.14710/2021 the court made the following order:-

It is admitted that the appeal is against the preliminary decree passed in the suit for partition.

2.This Court vide order dated 23.09.2021, granted interim stay of passing of final decree alone. However, the respondent/plaintiff had filed the petition in CMP.No.17983/2021 to vacate the interim order.



3. Considering the fact that the learned counsels on either side are ready to argue the main Second appeal itself, the interim order already granted, is made absolute and the petition **in CMP.No.17983/2021** to vacate the interim order, is **dismissed**.

4. However, other proceedings shall go on as the interim stay is only with regard to passing of final decree alone.

5. Post on **04.04.2022**.

-sd/-

09/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL DISTRICT
JUDGE, VELLORE AT TIRUPATTUR

2 THE SUBORDINATE JUDGE,
TIRUPATTUR

C.C. to M/S.R.SUBRAMANIAN, Advocate S.R.NO.1636/2022

Order

in

CMP No.17983 of 2021 & 14710/2021 in
SA NO.749/2021

Date : 09/03/2022

From 26.2.2001 the Registry is issuing certified
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MJ 11/03/2022