



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

Wednesday, the Thirtieth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CMP (MD) No.5126 of 2021
in
AS (MD) 154 of 2021

1 K.M.NAMBIRAJAN
2 K.M.MAGESWARAN

... PETITIONERS/APELLANTS

Vs

1 S.DEEPA
(REPRESENTED THROUGH HER MOTHER AND
POWER OF ATTORNEY AGENT S.PUSHPAM)

2 K.SHANMUGAM CHETTIAR

3 K.S.MUTHUKUMAR
K.M.BALAKRISHNAN CHETTIAR (DIED)
S.USHA RANI (DIED)

4 M.SAGUNTHALA

5 M.GOWRI

6 R.SANTHI

7 V.KALAIIVANI

8 T.SHANMUGAM

9 JEYAPRAKASH

10 S.RUKMANI

11 D.BASEERA

12 D.THAJ

13 J.KRISHNAKUMARI

14 N.SUNDARI

15 B.SUGANTHI

16 B.KARTHICK

17 S.ASHOK KUMAR

18 S.PRABHU

19 K.MAGENDRA

20 P.PAVUN ROJA

21 N.NEVILIAPPAN

22 N.MURUGESAN

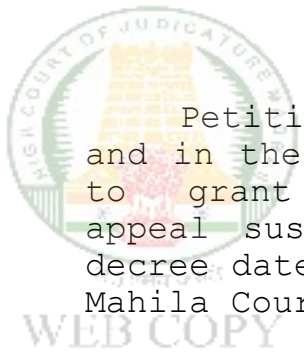
23 S.KUPPUSAMY

24 R.MURUGESHWARI

(RESPONDENTS 2,3,8 TO 13 AND 17 TO 24
REMAINED EXPARTE BEFORE THE COURT BELOW.
HENCE NOTICE TO THESE RESPONDENTS

<https://hmcjces.courts.gov.in/hmcjces> (NECESSARY)

... RESPONDENTS/RESPONDENTS



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of interim stay till the disposal of the 1st appeal suspending the operation of the trial court judgment and decree dated 20.02.2020 in OS No.3 of 2008 on the file of Fast Track Mahila Court, Dindigul.

Prayer in AS(MD) . 154 OF 2021 :

Pleaded to reverse and set aside the judgment and decree in OS No.3 of 2008, on the file of Fast Track Mahila Judge, Dindigul dated 20.02.2020.

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.V.RAGHAVACHARI, Advocate for the petitioner and of MR.T.LAJAPATHI ROY, Advocate for the 1st Respondent and MR.K.RAJESHWARAN, Advocate for 15th Respondent and the 4th Respondent not appearing either in person or by an advocate, the court made the following order:-

The petitioners / appellants are the defendants 6 and 7 in the suit. The suit has been filed by the first respondent / plaintiff for the relief of partition and injunction. The suit has been decreed as prayed for. Now the petitioners have filed this petition for staying the operation of the judgement and decree. It is seen that an order of interim stay has already been granted and pending. In view of the stay, it seems that, the first respondent / plaintiff has not even filed any petition for final decree, since the apportionment and other proceedings in connection with passing of the final decree need to be made to avoid delay.

2. Considering these aspects, I feel it is appropriate to stay the passing of final decree alone, by allowing the other proceedings to go on.

3. Hence, this Petition is allowed and the stay is granted for passing the final decree alone. The learned trial Judge is at liberty to take up the other proceedings in connection with final decree.

sd/-
30/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO
THE JUDGE,
FAST TRACK MAHILA COURT,
DINDIGUL.

WEB COPY

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-2790[I] dated 31/03/2022)

ORDER
IN
CMP (MD) No.5126 of 2021
in
AS (MD) 154 of 2021
Date :30/03/2022

vji

PKP/VR/SAR-2/18.04.2022/3P/3C