



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.3325 of 2020

IN

AS(MD) No.95 of 2020

N.LAKSHMANAPERUMAL

... PETITIONER/APPELLANT

Vs

1. DEIVANAI
2. RAJESWARI
3. SANTHI RAMALAKSHMI
4. THE BRANCH MANAGER,
STATE BANK OF INDIA,
RAMANATHAPURAM BRANCH,
SALAI STREET, RAMANATHAPURAM TOWN.
5. THE BRANCH MANAGER,
ICICI BANK, RAMANATHAPURAM BRANCH,
ARANMANAI RAJAVEEDHI,
RAMANATHAPURAM TOWN.

... 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 the operation of the decree dated 08.07.2019 passed in the suit in O.S.No. 2 of 2013 on the file of the Additional District Court, Ramanathapuram pending disposal of the above appeal.

PRAYER IN AS(MD) No.95/2020 :

Appeal filed under Section 96 of the Civil Procedure Code, to pass a judgement and decree setting aside the judgment and decree dated 08.07.2019 passed in the suit in OS No.2 of 2013 on the file of the Additional District Court, Ramanathapuram and dismissing the suit in entirety.

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.BARATHAN, Advocate for the petitioner and of MR.K.P.NARAYANAKUMAR, Advocate on behalf of the Respondents No.1 to 3 and MR.C.KARTHIK, Advocate for the 4th Respondent and MR.A.ANBALAGAN, Advocate for the 5th Respondent, the court made the following order:-



The petitioner / appellant is the second defendant in the suit. The suit has been filed for the relief of partition and preliminary decree for partition has been granted. Now, this petition has been filed for staying the operation of the decree. It is learnt that the final decree proceedings have already been initiated and pending. The order of interim stay has already been granted in this matter staying the passing of final decree alone by permitting the other proceedings to progress. Since the appeal itself is ripe for final hearing, the interim injunction already granted can be made absolute. Hence, the interim injunction already granted is made absolute on the same condition that the passing of final decree alone is stayed and the other proceedings in final decree shall go on.

2. Hence, this Petition is closed.

sd/-
30/03/2022

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

TO

THE ADDITIONAL DISTRICT JUDGE,
RAMANATHAPURAM.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-2744[I] dated 31/03/2022)

ORDER
IN
CMP (MD) No.3325 of 2020
IN
AS (MD) No.95 of 2020
Date :30/03/2022

vji
USK/PN/SAR-IV/11.04.2022/2P/3C