



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.5765 of 2020
IN
AS(MD) No.155 of 2020

A.CHANDRASEKAR

... PETITIONER/APPELLANT

Vs

S.A.SUBBURAJ

... RESPONDENT/RESPONDENT

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 Judgment and Decree passed by the Principal District Judge, Tirunelveli in O.S.No.50 of 2018 dated 08.07.2020 till the disposal of this Appeal Suit.

PRAYER IN AS(MD) No.155 of 2020 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the Judgment and Decree passed by the Principal District Judge, Tirunelveli in O.S.No.50 of 2018 dated 08.07.2020 and allow this first appeal.

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 M/S.N.TAMILMANI, Advocate for the petitioner and of MR.S.VELRAJAN, Advocate on behalf of the Respondent, the court made the following order:-

The petitioner / appellant is the defendant in the suit. The suit has been filed for the relief of declaration and recovery of possession and the same was decreed. Aggrieved over that the petitioner / defendant has preferred this appeal.

2. This petition has been filed for staying the operation of the judgment and decree. It is learnt that the execution proceedings have already been filed and due to interim stay, the execution proceedings is pending at the stage of delivery of possession. If delivery is effected before the disposal of the appeal, that would certainly affect the interest of the appellant and the appeal itself will become infructuous. If, the appeal is allowed, the proceedings



for restoration for possession etc., would crop-up. In order to avoid the future complications and in the context of the interim injunction already granted, I feel that the interim injunction already granted can be made absolute.

3. In the result, this petition is allowed.

sd/-
30/03/2022

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

TO

THE PRINCIPAL DISTRICT JUDGE,
TIRUNELVELI.

ORDER
IN
CMP (MD) No.5765 of 2020
IN
AS (MD) No.155 of 2020
Date :30/03/2022

vji
USK/VR/SAR-II/11.04.2022/2P/2C