



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

Tuesday, the Twenty Second day of March Two Thousand and Twenty Two

PRESENT

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

CMP (MD) No.6823 of 2020 & 9094 of 2021
IN
AS (MD) No.195 of 2020

IN CMP (MD) No.6823/2020 :

1. AMIRTHAMMAL
2. HARIKRISHNAN
3. PALANIYAMMAL
4. PARVATHI
5. RAMU
6. CHANDRA

... PETITIONERS/APPELLANTS

Vs

1. NAGAVALLI
2. MUTHURAKKU
3. RAMACHANDRAN
4. SUSEELA
5. TAMILSELVAN
6. ANBUDEVI
7. PRIYADHARSHINI
8. MANIVANNAN
9. SYED ABDUL RAHMAN

... 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 all further proceedings in the suit in O.S.No.7/2015 on the file of the Additional District Court, Ramanathapuram in pursuance of the judgement and decree dated 18.6.2020 pending disposal of the first appeal.

IN CMP (MD) No.9094/2021 :

1. NAGAVALLI
2. MUTHURAKKU
3. SUSEELA
4. TAMILSELVAN
5. ANBUDEVI
6. PRIYADHARSHINI
7. MANIVANNAN

... PETITIONERS/RESPONDENTS
1,2,4,5,6,7,8

Vs



1. RAMACHANDRAN
2. SYED ABDUL RAHMAN
3. AMIRTHAMMAL
4. HARIKRISHNAN
5. PALANIYAMMAL
6. PARVATHI
7. RAMU
8. CHANDRA

... RESPONDENTS 3 TO 8/PETITIONERS/
APPELLANTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the interim stay granted by this Hon'ble Court in CMP(MD) No.6823 of 2020 in AS(MD) No.195 of 2020 dated 21.12.2020.

Prayer in AS(MD) . 195/2020 :

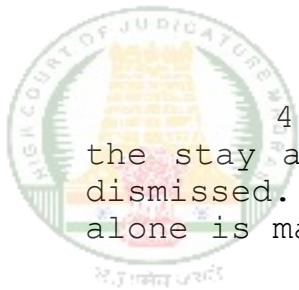
Pleased to pass a judgement and decree setting aside the judgement and decree dated 18.06.2020 passed in the suit in O.S.No. 7/2015 on the file of the Additional District Court, Ramanathapuram and dismissing the suit and allow the appeal with costs throughout.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.J.BARATHAN, Advocate for M/S.T.R.JEYAPALAM, Advocate for the petitioner in CMP(MD) No.6823 of 2020 and Respondents in CMP(MD) No.9094 of 2021 and of MR.G.PRABHU RAJADURAI, Advocate on behalf of the Respondents No.2,4 to 8 in CMP (MD) No.6823 of 2020 and Petitioner for CMP(MD) No.9094 of 2021 and MR.M.VENKATESHAN, Advocate for the 3rd Respondent, the court made the following order:-

CMP (MD) No.6823 of 2020 has been filed, seeking stay of all further proceedings in the suit in O.S.No.7 of 2015, on the file of the Additional District Court, Ramanathapuram in pursuance of the judgment and decree dated 18.06.2020, pending disposal of the first appeal.

2.CMP(MD) No.9094 of 2021 has been filed to vacate the interim stay granted by this Court in CMP(MD) No.6823 of 2020.

3.Insofar as the vacate stay petition is concerned, the petitioners/appellants filed a petition to vacate the stay order stating that the appellants have filed the suit just to defeat the interest of the decree holders. But, the fact remains that the suit has been filed for partition and preliminary decree has been passed. In the stay order, it has been made clear that the final decree proceedings would go on except the passing of the final decree. Hence, no prejudice would be caused to the petitioners.



4.In such circumstance, I do not find any merits to vacate the stay already granted. Accordingly, CMP(MD) No.9094 of 2021 is dismissed. The interim stay granted for passed the final decree alone is made absolute. Hence CMP(MD) No.6823 of 2020 is closed.

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22/03/2022

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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-2386[I] dated 23/03/2022)

ORDER
IN
CMP(MD) No.6823 of 2020 &
9094 of 2021
IN
AS(MD) No.195 of 2020
Date :22/03/2022

vrn
USK/VR/SAR-I/07.04.2022/3P/3C