



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

Wednesday, the Twenty Third day of March Two Thousand and Twenty Two
PRESENT

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

CMP(MD) No.1663 of 2018

IN

AS(MD) No.33 of 2018

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DURAIRAJ ... PETITIONER/APELLANT
REPRESENTED THROUGH HIS GENERAL POWER OF
ATTORNEY THIRU.R.SUBBURAJ

Vs

1 PETHANAN

2 DANIEL RAJKUMAR ... 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 stay of operation of the judgment and decree dated 11.10.2017 made in O.S.No.163 of 2008 on the file of the I Additional District Judge, Madurai pending disposal of the above appeal.

PRAYER IN AS(MD) No.33 of 2018:

Pleased to set aside the judgment and decree date 11-10-2017 made in O.S.No.163 of 2008 on the file of the I Additional District Judge, Madurai and thereby allow the above Appeal and dismiss the suit.

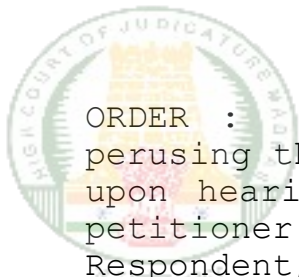
SCHEDULE OF PROPERTY

All the piece and parcel of land in Madurai District, Madurai North Registration District, Chokkikula Sub-Registration District, Madurai Taluk, Thiruppali Group, Naganakulam Village, Re-Survey No.380/7, measuring 21 Cents and 16 Sq.ft.(10035 Sq.ft.) out of 31 Cents in the Northern Portion 2 Thakku Nanja and bounded on the:

North by : Land in Re-Survey No.380/3
East ;by : Land in Re-Survey No.380/6
South by : 20 Feet East West Common Road,
West by : Land in Re-Survey No.379/2

Measuring:

1st Thakku on western side measuring East West on Northern Side 85 Feet, Southern Side - 85 Feet, North South on Western Side 105 Feet, on Eastern side 105 Feet total 8925 Sq.ft. And East Side 2nd Thakku measuring East West on Northern Side 20 Feet, Southern Side 0(Zero), North South on Western Side 105 Feet, On Eastern Side 111 Feet Total 1110 Sq.ft and both totalling 10035 Sq.ft.(23 Cents and 16 Sq.ft.)



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.R.THIAGARAJAN, Advocate for the petitioner and of Mr.K.MUTHUMALAI, Advocate on behalf of the Respondent, the Court made the following order:-

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This petition has been filed to stay the operation of the judgment and decree dated 11.11.2017 made in O.S.No.163 of 2008 on the file of the I Additional District Judge, Madurai.

2.The appellant is the second defendant in the suit. The suit has been filed for the relief of specific performance. The suit has been decreed as prayed for. In the event of the sale deed is executed during the execution proceedings, there is a possibility for the appeal itself becoming infructuous.

3.Considering the same, I feel that the order of stay as prayed for by the petitioner should be granted. Accordingly, there shall be an order of stay of the execution proceedings.

4.In view of the above, this Civil Miscellaneous Petition is allowed.

sd/-

23/03/2022

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

TO

THE I ADDITIONAL DISTRICT JUDGE, MADURAI.

ORDER

IN

CMP (MD) No.1663 of 2018

IN

AS (MD) No.33 of 2018

Date :23/03/2022

SS/PN/SAR:IV/29.03.2022 : 2P/2C