



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

Monday, the Eighteenth day of April Two Thousand and Twenty Two

PRESENT

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

CMP(MD) No.631 of 2018

IN

AS(MD) No.18 of 2018

PUDIYAVAN KARAYALAR

... PETITIONER/APPELLANT

Vs

1 LAKSHMIAMMAL

2 AANDA PERUMAL

3 MUTHAMMAL

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay all further proceedings of the Judgment and decree in O.S.No.64 of 2014 on the file of Principal District Judge Tirunelveli District dated 11.8.2016 pending disposal of the above first appeal.

PRAYER IN AS(MD) No.18 of 2018:

Pleased to (a) call for the records (b) set aside the decree and judgment passed in O.S.No.64 of 2014 on the file of Principal District Court, Tirunelveli dated 11.08.2016.

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.V.BALAMOHAN THAMPI, Advocate for the petitioner and of MR.S.SAJI BINO, Advocate on behalf of the 1st Respondent and Mr.N.GA.NATRAJ, Advocate for the 2nd respondent and none appeared either in person or by an Advocate on behalf of the 3rd respondent, the Court made the following order:-

The appellant is the second defendant in the suit. The plaintiff has filed the suit for partition of 1/4th share in the suit properties. The learned trial Judge has decreed the suit as prayed for. Aggrieved over the same, the second defendants has preferred the appeal. Pending appeal, he has filed the stay petition to stay further proceedings in pursuance of the decree passed in the suit. Since the staying of the final decree proceedings would cause



further delay, I feel it is appropriate to stay the passing of the final decree by allowing the other proceedings in the final decree to go on.

2. Hence, this petition is allowed and the stay is granted in respect of passing of the final decree alone. However, the learned trial Judge is at liberty to get along with the other proceedings in respect of the final decree alone.

sd/-

18/04/2022

/ TRUE COPY /

/ /2022

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

TO

THE PRINCIPAL DISTRICT JUDGE,
TIRUNELVELI.

+1. C.C. to M/S.S.SAJI BINO Advocate SR.No.3483

ORDER

IN

CMP(MD) No.631 of 2018

IN

AS(MD) No.18 of 2018

Date :18/04/2022

(1/3)

SS/JM/SAR:I/22.04.2022 : 2P/3C