



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.8655 of 2021

IN

AS(MD) No.253 of 2021

1 SAMUEL SUNDAR

2 BARATHRAJ

... PETITIONERS/APPELLANTS

Vs

RAJARAM

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of judgment and decree passed in OS No.20 of 2017 (on the file of the Additional District and Sessions Court (Fast Track) Judge Theni) dated on 05.04.2021, pending disposal of the above First Appeal.

Prayer in AS(MD). 253/ 2021 :

Pleased to set aside the decree and judgment in OS No.20 of 2017 dated 05.04.2021 on the file of the Additional District and Sessions Court (Fast Track) Judge, Theni by allowing this appeal and thereby dismissing the suit with cost.

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.VALLINAYAGAM, Advocate for the petitioner and of Mr.M.SARAVANAKUMAR, Advocate on behalf of the Respondent, the Court made the following order:-

The suit has been filed by the plaintiff for the relief of specific performance and the same was decreed. Aggrieved over that, the defendants have filed this appeal. Pending appeal, the defendants have also filed this petition for staying the operation of the judgment and decree. In the event of execution petition is filed and the sale deed is executed through Court, that will make the appeal itself infructuous and that would cause prejudice to the petitioners. In the event of appeal is allowed, the respondent may also lose the stamp duty suffered by him.



2. Considering the above situation, I feel it is appropriate to stay the further proceedings until the disposal of the appeal for the reasons stated above.

3. Accordingly, this petition is allowed.

sd/-

18/04/2022

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/ /2022

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

TO

THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, (FAST TRACK COURT), THENI.

ORDER

IN

CMP(MD) No.8655 of 2021

IN

AS(MD) No.253 of 2021

Date :18/04/2022

SS/JM/SAR:IV/22.04.2022 : 2P/2C