



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.9154 of 2021

IN

AS(MD) No.271 of 2021

KADAYANALLUR RAHUMANIA TRUST,
THROUGH ITS FOUNDER/TRUSTEE HAJEE U. LIYAS,
SON OF U. UMAR KATHAR, DOOR NO. 31, NADU
IYYAPURAM STREET, KADAYANALLUR, TENKASI
TALUK, TIRUNELVELI DISTRICT.
(NOW KADAYANALLUR TALUK, TENKASI DISTRICT) ... PETITIONER/APPELLANT

Vs

1 SUBAITHA BIBI

2 SHAREFAH BEEVI

3 AHAMED NISAR

4 DELSHAT BANU

1 TO 4 RESPONDENTS / PLAINTIFFS
REPRESENTED THROUGH THEIR POWER AGENT
P.A.MOHAMED

5 KADAYANALLUR RAHUMANIA TRUST,
THROUGH ITS FOUNDER/TRUSTEE DOWLATH KHAN,
SON OF P.A. KUL MOHAMED, DOOR NO. 88/19,
NADU IYYAPURAM STREET, KADAYANALLUR,
TENKASI TALUK, TIRUNELVELI DISTRICT.
(NOW KADAYANALLUR TALUK, TENKASI DISTRICT)

... 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 the operation of Judgment and Decree in O.S. No. 46 of 2014 on the file Additional District and Sessions Court (FTC), Tenkasi dated 13.09.2021 pending disposal of this first appeal.

Prayer in AS(MD). 271/ 2021 :

To allow the appeal by setting aside the judgment and Decree passed in O.S.No. 46 of 2014 on the file of the Additional District and Sessions Court (FTC), Tenkasi, dated 13.09.2021.



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.GANAGASAPATHY, Advocate for the petitioner and of Mr.A.HAJA MOHIDEEN, Advocate on behalf of the Respondents 1 to 4 and none appeared either in person or by an Advocate on behalf of the 5th respondent, the Court made the following order:-

The suit has been filed by the plaintiffs for declaration and recovery of possession and the same was decreed. Aggrieved over that, the first defendant has preferred this appeal. The fact that the first defendant is in possession of the suit property is admitted. If the decree for recovery of possession is executed, that would affect the very appeal before this Court. In case, the decree is reversed after hearing the appeal, that would lead to complication like restoration of possession etc., No doubt, the appellant has to co-operate with the Court and argue the appeal at the earliest, for the speedy disposal.

2. Considering the possession of the first respondent over the suit property, I feel it is appropriate to grant an order of interim stay till the disposal of the appeal.

3. In the result, this Petition is allowed.

sd/-

18/04/2022

/ TRUE COPY /

/ /2022

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

TO

THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, (FTC), TENKASI.

+1. C.C. to M/S.N.GANAGASAPATHY Advocate SR.No.3534

ORDER

IN

CMP(MD) No.9154 of 2021

IN

AS(MD) No.271 of 2021

Date :18/04/2022

SS/SVR/SAR:IV/22.04.2022 : 2P/3C