



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

Wednesday, the Twelfth day of October Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.10161 of 2016

IN

AS(MD) No.157 of 2016

WEB COPY

1 V.KAMATCHI

2 S.RASAMMAL

3 VEMBAYEE

4 V.RAJENDRAN

(*) 5 R.SELVARAJ

... APPELLANTS/DEFENDANTS

(*) 5th APPELLANT IS IMPLEADED VIDE COURT
ORDER DATED 23/8/2018 MADE IN CMP(MD)
NO.5413/2018 IN AS(MD)157/16 BY PSNJ &
TKJ.

Vs

1 K.RAJENDRAN

2 C.DEVARAJ

3 P.SUBRAMANI

... RESPONDENTS/PLAINTIFFS

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 interim stay of the operations of the judgment and decree passed in O.S.No.43 of 2010 dated 7.12.2011 on the file of the Honourable District Court, Karur.

PRAYER IN AS(MD) No.157 of 2016:

Pleaded to set aside the judgment and decree passed by the District Judge, Karur in O.S.NO.43/2010 dated 07-12-2011.

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.E.K.KUMARESAN, Advocate for the petitioners, the Court made the following order:-

The appeal is directed against the judgment and decree passed in O.S.No.43 of 2010, dated 07.12.2011 on the file of the District Court, Karur.



2.The suit has been filed claiming the relief of performance and the suit was decreed. Aggrieved by the said decree and judgment, the defendants have preferred the present appeal.

3.The learned counsel for the appellant would submit that the Principal District Munsif Court, Karur has directed the appellant to take steps to list the present appeal for final hearing and adjourned the matter to 07.11.2022 for execution of sale deed and that since the interim stay was granted in 2017, the Principal District Court by observing that six months time has already been expired, has been proceeding with the execution.

4.It is evident from the records that though interim stay was granted on 16.01.2017, this Court on considering the submissions of the the counsels on record that the execution proceedings have already been initiated and are pending, passed the order dated 31.03.2022, making the interim stay absolute.

5.Post the matter on 02.11.2022 and the Executing Court is directed not to proceed, as the interim stay already granted, was made absolute.

sd/-

12/10/2022

/ TRUE COPY /

/10/2022

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

TO

THE DISTRICT JUDGE
KARUR.

+1 CC to M/s.E.K.KUMARESAN, Advocate (SR-11264[I] dated
12/10/2022)

ORDER
IN
CMP (MD) No.10161 of 2016
IN
AS (MD) No.157 of 2016
Date :12/10/2022

das
RS/SBN/SAR.2 (13.10.2022) 2P-3C