



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

Monday, the Twenty Eighth day of March Two Thousand and Twenty Two

PRESENT

WEB COPY

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

CMP (MD) No.4069 of 2016  
IN  
AS (MD) No.69 of 2016

1 RAMAN

2 LAKSHMANAN (DIED)

...PETITIONERS/APPELLANTS

3 L. KAMALA,

4 L.ASHOK,

5 L. ANANTH,

6 L. KASTHURI,

7 L. SENTHIL,

(PETITIONERS 3 TO 7 ARE BROUGHT ON  
RECORD AS LRS OF THE DECEASED 2ND  
PETITIONER VIDE COURT ORDER DATED  
10.02.2022 MADE IN CMP (MD) NOS.3145  
TO 3147/21 IN AS (MD) No.69/16)

Vs

KANDAPPA CHETTIAR PRIVATE  
FAMILY TRUST KUMBAKONAM BY ITS TRUSTEES  
KUPPUSAMY CHETTIAR (DECEASED),

1 KANDAVEL,

2 KANDAKUMAR

3 MURUGAN

4 MOHAN

... 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 decree and judgment dated 29.01.2015 made in OS.No.14/2006 on the file of the 1st Additional District Judge (PCR), Thanjavur till disposal of the above said AS.(MD).No.69/2016.

**PRAYER IN AS(MD)No. 69/2016:**

To set aside the judgment and decree dated 29/01/2015 made in O.S.NO.14 of 2006 on the file of the 1<sup>st</sup> Additional District Judge (PCR), Thanjavur and allowed the above said first appeal.

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.G.GOMATHI SANKAR, Advocate for the petitioner and of MR.G.MOHANKUMAR, Advocate on behalf of the Respondents 1 and 2, the court made the following order:-

The learned counsel for the petitioners submitted that the first appellant died. The petitioners are the appellants / defendants 1 and 2. The suit has been filed by the respective plaintiff for the relief of recovery of possession. After removing the superstructure and also to pay damages and future mesne profits, the suit has been decreed as prayed for. In the grounds of appeal, the petitioners have stated that even without a prayer for mandatory injunction, the decree for removal of superstructure has been granted and there is a discrepancy in the description of the properties and that the suit has been barred for non -joinder of necessary parties.

2. The learned counsel for the petitioners submitted that he has good scope in the appeal basing on the above grounds. It is submitted that the execution proceedings have been filed and in view of the interim stay, the proceedings are now pending. The appeal is of the year 2016 and it is possible that the appeal itself would reach for final hearing very shortly. In such circumstances and in the interest of justice, the interim stay already granted can be made absolute.

3. Accordingly, the interim stay already granted is made absolute and this Petition is closed.

sd/-

28/03/2022

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/ /2022

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



TO

THE I ADDITIONAL DISTRICT JUDGE (PCR),  
THANJAVUR

WEB COPY

ORDER

IN

CMP (MD) No.4069 of 2016

IN

AS (MD) No.69 of 2016

Date :28/03/2022

vji

PKP/JM/SAR-2/05.04.2022/3P/2C