



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

Monday, the Seventeenth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.9323 of 2022
in
A.S.(MD)No.157 of 2022

V.DURAI

... PETITIONER/APPELLANT

Vs

V.KANNAPPAN

... 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 the Judgment and decree made in O.S.No.113 of 2019 dated 24-02-2022 on the file of the District Court, Karur, pending disposal of this appeal suit.

Prayer in AS(MD). 157/2022 :

Appeal Suit filed under section 96 r/w order 41 rule 1 and 2 of Civil Procedure Code to allow this appeal by setting aside the Judgment and Decree made in O.S. No. 113 of 2019 dated 24.02.2022 on the file of the District Court, Karur.

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.SUBRAMANI, Advocate for the petitioner and of MR.M.SARAVANAKUMAR, Advocate on behalf of the Respondent, the court made the following order:-

This Civil Miscellaneous Petition has been filed seeking orders to stay the operation of the Judgment and Decree made in O.S.No.113 of 2019 dated 24.02.2022 on the file of the District Court, Karur, till the disposal of the appeal.

2.The respondent has filed the suit for the relief of recovery of possession of the suit property. The learned District Judge, Karur, after conducting trial, has decreed the suit directing the appellant to surrender the possession of the suit property on or before 24.05.2022.

3.The learned counsel appearing for the petitioner would submit that the decree is now sought to be executed in E.P.No.39 of 2022.



4. When the matter is taken up for hearing today, the counsel appearing for the petitioner would submit that the petitioner is ready to deposit the cost imposed by the trial Court.

5. Considering the above facts and circumstances and also taking note of the facts that the trial Court has decreed the suit for recovery of possession and that E.P. is pending, this petition is allowed on condition that the petitioner shall deposit the cost imposed by the trial Court within a period of three weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically.

sd/-
17/10/2022

/ 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.N.SUBRAMANI, Advocate (SR-11503[I] dated 17/10/2022)

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-11528[I] dated 18/10/2022)

ORDER
IN
CMP(MD) No.9323 of 2022
in
A.S.(MD)No.157 of 2022
Date :17/10/2022

CSM
USK/VR/SAR-I/26.10.2022/2P/4C