



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

Thursday, the Seventh day of April Two Thousand and Twenty Two

PRESENT

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

CMP(MD) No.11447 of 2018

IN

AS(MD) No.194 of 2018

1 V.VELATHAAL,

2 V.GOMATHI,

3 V.LAKSHMI,

... PETITIONERS/APPELLANTS

Vs

1 S.PALANIYAMMAL,

2 P.KARUPPATHAL,

3 M.MUTHULAKSHMI,

4 S.CHINNAKKANNU,
W/O.SATHASIVAM,

5 E.CHINNAKKANNA,
W/O.ELANGOVAN,

6 V.ELANGOVAN,

... 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 Judgement and Decree passed in O.S.No.9 of 2016 dated 29.01.2018 on the file of Additional District cum Fast Track Court, Palani.

PRAYER IN AS(MD)No. 194 of 2018:

Pleased to allow the appeal and set aside the Judgmet and Decree dated 29/01/2018 passed in O.S.No. 9 of 2016 on the file of the Additional District cum Fast Track Court, Palani.

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 MR.S.R.SURESH KUMAR, Advocate for the petitioner and of MR.A.ARUL JENIFER on behalf of the 1st Respondent, and the Respondents 2 to 6 are not appearing either in persons or by an advocate, the court made the following order:-



The appellants are the defendants 1 to 3 in the suit. The plaintiff has filed the suit for partition of 1/4th share in the suit properties. The learned trial Judge has decreed the suit as prayed for. Aggrieved over the same, the defendants 1 to 3 have preferred the appeal. Pending appeal, they have filed the stay petition to stay further proceedings in pursuance of the decree passed in the suit. Since the staying of the final decree proceedings would cause further delay, I feel it is appropriate to stay the passing of the final decree by allowing the other proceedings in the final decree to go on.

2. Hence, this petition is allowed and the stay is granted in respect of passing of the final decree alone. However, the learned trial Judge is at liberty to get along with the other proceedings in respect of the final decree alone.

sd/-
07/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE ADDITIONAL DISTRICT CUM
FAST TRACK JUDGE,
PALANI.

ORDER
IN
CMP(MD) No.11447 of 2018
IN
AS(MD) No.194 of 2018
Date :07/04/2022

vji

PKP/SVR/SAR-3/18.04.2022/2P/2C