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C.M.P.No.17243 of 2023

in

S.A.No.546 of 2023

P.T.ASHA, J.,

The above Petition is filed to issue an order of ad interim stay staying the operation of the judgment and decree dated 13.03.2023 passed in AS No.22 of 2019 on the file of the learned Sub Court, Mettur pending disposal of the above second appeal before this Hon'ble Court.

2. The learned counsel for the respondent is present.

3. This Court had admitted the above Second Appeal on the following Substantial Questions of Law:-

"(a) Whether the suit is maintainable when the suit property is undervalued and no proper stamp duty was paid?

(b) Whether the Ex.P5 is valid and acted upon when 3rd and 5th defendants in the suit the sons of the 1st defendant have not signed the Ex.P5 while suit property is an ancestral property and the defendants 3 and 4 have derived equal rights?



(c) Whether the Ex.P1 sale deed is valid when the payment of sale consideration is not proved and the signature of the 1st defendant in Ex.D2 receipt is different from admitted signature?"

and if pending the Second Appeal the decree for recovery of possession is given effect to, it would cause grave prejudice to the petitioner. Therefore, the order of an ad interim stay is granted as prayed for.

22.12.2023

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3

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