



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

Thursday, the Sixteenth day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mrs.Justice N.MALA

C.M.P(MD)NO.5112 of 2022
in
A.S(MD)NO.140 of 2022

1 MUTHAMMAL

2 PADHAMAVATHI

... PETITIONERS/APPELLANTS

Vs

1 M. MANIVEL

2 CHELLATHAL

3 SHANMUGAM

4 K. RAMASAMY GOUNDER

5 KANDASAMY

6 RAMASAMY

7 KALIYATHAL

8 KARTHIC JEYAKUMAR

... 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 pursuant to the judgment and decree in O.S. No. 17 of 2016 dated 28.04.2021 on the file of the Additional District Court, (Fast Track Court), Palani and pending disposal of the first appeal and pass such other suitable orders and thereby render justice.

Prayer in AS(MD). 140/ 2022 :

Appeal Suit filed under Section 96 and order XLI Rule 1 of Civil Procedure Code, to call for the records and set aside the judgment and decree dated 28.04.2021 in O.S. No. 17 of 2016 on the file of the Additional District Court, (Fast Track Court), Palani and allow this appeal with costs throughout and thereby render justice.



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.H.LAKSHMI SHANKAR, Advocate for the petitioner and of M/S.S.GOVINDAN, Advocate on behalf of the Respondents 1,2&3 and not appeared for the respondents 4 to 8 either in person or through by an advocate, the court made the following order:-

This Petition is filed to stay all further proceedings pursuant to the judgment and decree in O.S.No.17 of 2016, dated 28.04.2021, on the file of Additional District Court, (Fast Track Court), Palani, pending disposal of the first appeal.

2.The learned counsel for the Petitioners submits that they have not received any notice of final decree proceedings, as on date. In case, the respondents initiate final decree proceedings, it is made clear that final decree proceedings may go on, however, no final decree shall be passed, until further orders.

3.This Petition is accordingly ordered.

sd/-
16/02/2023

/ TRUE COPY /

/03/2023

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

vsn

TO

THE ADDITIONAL DISTRICT JUDGE, (FAST TRACK COURT), PALANI

+1 CC to M/s.H.LAKSHMISHANKAR, Advocate (SR-2568[I] dated 21/02/2023)

ORDER
IN
C.M.P(MD) NO.5112 of 2022
in
A.S(MD) NO.140 of 2022
Date :16/02/2023

RD/BUC/SAR-3 (06/03/2023) 2P/3C