



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

Friday, the Twentieth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

CMP(MD) Nos.171 & 172 of 2016

IN

SA(MD) No.10 of 2016

PALUPILLAI,

... PETITIONER/APPELLANT
IN BOTH PETITIONS

Vs

1 THE THASILDAR,
VILAVANCODE TALUK,
KANYAKUMARI DISTRICT.

2 THE REVENUE DIVISIONAL OFFICER,
PADMANABHAPURAM,
KANYAKUMARI DISTRICT.

3 THE STATE OF TAMILNADU
REP BY THE DISTRICT COLLECTOR,
AT NAGERCOIL,
KANYAKUMARI DISTRICT.

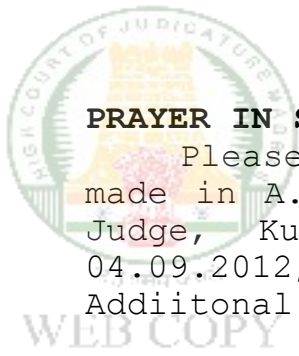
... RESPONDENT/RESPONDENTS
IN BOTH PETITIONS

Prayer in CMP(MD) . 171/ 2016 :

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 judgment and decree dated 02/04/2014 in AS NO. 77 of 2012 on the file of the Learned Subordinate Judge, Kuzhithurai confirming the Judgment and decree dated 04/09/2012, made in OS NO. 28 of 2006 on the file of the Learned II Additional District Munsif, Kuzhithurai pending disposal of the second appeal.

Prayer in CMP(MD) . 172/ 2016 :

To grant an order of Ad-interim injunction restraining the respondents or their men, agents or any other persons claiming right through the respondents herein from alienating the suit schedule property, being the subject matter in OS NO. 28 of 2006 on the file of the learned II Additional District Munsif, Kuzhithurai and thereby not to dispose the petitioner from the suit schedule property, pending disposal of the second appeal and thus render justice.

**PRAYER IN SA(MD) .10/2016:**

Pleased to set aside the Judgment and decree, dated 02.04.2014, made in A.S.No.77 of 2012, on the file of the Learned Subordinate Judge, Kuzhithurai confirming the Judgment and decree dated 04.09.2012, made in O.S.No.28 of 2006, on the file of the Learned II Addiitonal District Munsif, Kuzhithurai and allow the second appeal.

COMMON ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.C.KISHORE, Advocate for the petitioner in both Petitions and of Mr.J.K.JAYASEELAN, Government Advocate on behalf of the Respondents in both Petitions, the court made the following order:-

Though these petitions filed in the year 2016, there is no interim order in favour of the petitioner for the past six years.

2. Therefore, these petitions are dismissed.

3. Any alienation made pending disposal of the Second Appeal is subject to the doctrine of pendens.

4. Post the Second Appeal on 30.01.2023.

sd/-
20/01/2023

/ TRUE COPY /

/01/2023

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

VSD

TO

1 THE SUBORDINATE JUDGE,
KUZHITHURAI.

2 THE II ADDITIONAL DISTRICT MUNSIF,
KUZHITHURAI.

+1 cc to Mr.C.KISHORE, Advocate, SR.No.894 (I) Date:20/01/2023

ORDER IN

CMP(MD) Nos.171 & 172 of 2016
IN

SA(MD) No.10 of 2016

Date :20/01/2023

SA/SSS/SAR.2/25.01.2023/2P/4C