



CMP(MD) No.17614 of 2023

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

Thursday, the Twenty Eighth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N. SENTHILKUMAR

CMP(MD) No.17614 of 2023

in

SA(MD) No.769 of 2022

1 THE CORRESPONDENCE
KAMMAVAR HINDU SCHOOL,
KAKKIVADAN PATTI MAIN ROAD,
MAMSAPURAM,
THURAISAMIYARPURAM VILLAGE,
SIVAKASI TALUK,
VIRUDHUNAGAR DISTRICT.

2 K.MANIMEGALAI

... Petitioners / Appellants

Vs

THE SECRETARY,
Q.427, MAMSAPURAM VILLAGE HORTICULTURE,
CO-OPERATIVE SOCIETY,
KAKKIVADAN PATTI MAIN ROAD,
THURAISAMYARPURAM VILLAGE,
SIVAKASI TALUK,
VIRUDHUNAGAR DISTRICT

... Respondent / Respondent

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to order



CMP(MD) No.17614 of 2023

Stay of all further proceedings in E.P.No.14 of 2019 in O.S.No.214 of 2012 on the file of District Munsif Court, Sivakasi pending disposal of the mediation and conciliation.

Prayer in SA(MD). 769/ 2022 :

Second Appeal filed under Section 100 of Civil Procedure Code, to allow the above S.A. by setting aside the judgment and decree in A.S.No. 31 of 2018, on the file of the Sub Court, Sivakasi dated 27-10-2021 and the judgment and decree in O.S.No. 214 2012, on the file of the District Court, Sivakasi dated 26-04-2018 with costs.

ORDER : This civil miscellaneous 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.A.SIVAJI, Advocate for the petitioners, the court made the following order:-

This petition in C.M.P(MD)No.17614 of 2023 in S.A(MD)No.769 of 2022 is filed to stay of all further proceedings in E.P.No.14 of 2019 in O.S.No.214 of 2012 on the file of the District Munsif Court, Sivakasi, pending disposal of the mediation and conciliation.

2.Heard the learned counsel appearing for the petitioners.

3.This Court is unable to understand when similar application in C.M.P(MD) No.11630 of 2022 was filed along with the second appeal and noticed was ordered in the above petition, how the learned counsel for the petitioners has moved the



CMP(MD) No.17614 of 2023

present petition in the vacation Court for the same relief, by suppressing the same.

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4.It is absolutely abuse of process of Court. Hence, the stay petition is dismissed.

sd/-
28/12/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar
(C.S.I /II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NS

To

1.The District Munsif,
Sivakasi.

2.The Sub Judge,
Sivakasi.

ORDER
IN
CMP(MD) No.17614 of 2023
in
SA(MD) No.769 of 2022
Date :28/12/2023

ED/ VR /SAR- (29/12/2023) 3P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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