



C.M.P.No.9083 of 2024 in A.S.No.270 of 2024

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SATHI KUMAR SUKUMARA KURUP, J.

The learned Counsel for the Appellants submitted that the appellants have filed the present Civil Miscellaneous Petition viz., C.M.P.No.9083 of 2024, seeking to grant stay against the Respondents not to alienate and encumber the suit properties.

2. The learned Counsel for the Respondents submitted that the appellants filed the main suit for partition and separate possession of Plaintiffs' 3/7th share in the suit properties. The said suit was dismissed by the trial Court and as on date there is no decree in favour of the Appellants. The plaintiffs themselves are the appellants in the appeal suit. The appellants should file only injunction petition rather than stay petition. Therefore, the present stay petition is not maintainable. The learned Counsel for the respondents objected and prayed to dismiss the present stay petition.



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WEB COPY 3. In view of the fact that there is no decree as on date in favour of the Appellants and the original suit filed by the Appellants was dismissed, the present Civil Miscellaneous Petition seeking stay is dismissed. The appellants may file a fresh petition for injunction if so advised. Post the main Appeal Suit after one week.

20.08.2024

gvn



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