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CMP.No.1747 of 2016
in A.S.No.163 of 2016

CMP.No.1747 of 2016
in
A.S.No.163 of 2016

M.SUNDAR, J
and
K.GOVINDARAJAN THILAKAVADI, J

(Order of the Court was made by **M.SUNDAR, J**)

This order has to be read in conjunction with and in continuation of separate proceedings made in main AS today, which reads as follows:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 12.12.2023 and 03.01.2024, which read as follows:

'Proceedings dated 12.12.2023

AS No.163 of 2016

R.SUBRAMANIAN, J.
and
N.SENTHILKUMAR, J.

Since the first respondent/plaintiff died, respondents 3, 4, 5 and 6 were impleaded as their legal representatives. The fourth respondent, who is the son of the deceased first respondent also died. Hence his wife was brought on record as the seventh respondent. Since there was a conflict of interest between these respondents, the counsel appearing for them had returned the papers and now Mr.H.Krishnaswami, learned counsel is appearing for the seventh respondent and Mr.K.Ravindran learned counsel is appearing for the fifth respondent. Mr.K.Ravindran would submit that he would get the vakalat for the third and the sixth respondents.

2. Hence post on 03.01.2024.

(H.S.M., J.) (N.S., J.)
12.12.2023

18



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*CMP.No.1747 of 2016
in A.S.No.163 of 2016*

Proceedings dated 03.01.2024

A.S.No.163 of 2016

A.S.No.163 of 2016

M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR, J.]

Matter mentioned at half past ten..

2. Ms.S.Rudha Gopalan, learned counsel on record for appellants is before us on the 'videoconferencing' 'VC' platform and Mr.K.A.Ravindran, learned counsel for respondents 3 to 6 is before us in the physical Court. To be noted, this is a hybrid hearing which is a regular / routine / daily feature in this Court.

3. Mr.K.A.Ravindran, learned counsel requests for an adjournment citing difficulty at his end.

4. Ms.S.Rudha Gopalan, learned counsel on record for appellants does not oppose the request for adjournment as request is made citing counsel inconvenience.

Page Nos.1/2



WEB COPY



CMP.No.1747 of 2016
in A.S.No.163 of 2016

A.S.No.163 of 2016

M.SUNDAR, I,
and
K.GOVINDARAJAN THILAKAVADI, I,
vs.

5. M.K.A. Jayalalitha, learned counsel submits that her late client has
the other parties for co-defendants. This suit is not maintainable.

6. Adjourned at the request of learned counsel for respondents 3 to 6.

7. List after three weeks. Dis. on 29.01.2024.

[M.S., I] [K.G.T., I]
03.01.2024

A.S.No.163 of 2016

2. 'Captioned main appeal' ['AS' for the sake of convenience and clarity] is a regular First Appeal under Section 96 of 'The Code of Civil Procedure, 1908' [hereinafter 'CPC' for the sake of brevity] and the same arises out of a partition suit being O.S.No.129 of 2011 on the file of 'Principal District Judge's Court, Cuddalore' [hereinafter 'said Trial Court' for the sake of convenience and clarity]. After full contest, said Trial Court passed a preliminary decree of partition, after which, D1, D3 and D4 preferred captioned AS. Pending AS, sole plaintiff in the Trial Court, who is R1 before this Court died and her legal heirs have been brought on record.



CMP.No.1747 of 2016
in A.S.No.163 of 2016

WEB COPY

One of her legal heirs R4 [V.Sai Prasath] died thereafter and his wife has been brought on record as R7.

3. Today, Ms.S.Radha Gopalan, learned counsel for appellants is before us on the 'Video Conferencing' ('VC' for the sake of brevity) platform, Mr.K.A.Ravindran, learned counsel for R3, R5 and R6 and Ms.B.Pooshitha Mridhula, learned counsel representing Mr.R.Krishnasamy, counsel on record for R7 are before us. To be noted, this is a hybrid hearing, which is a regular, routine/daily feature in this Court. As regards R2 [Ramu, Son of Dhanapal], cause list shows that he has been duly served and name of R2 is duly shown in the cause list but there is no representation.

4. Be that as it may, Mr.K.A.Ravindran has come by way of change of vakalat from Ms.R.Meenal and therefore, Registry to not. to show the name of Ms.R.Meenal from the next listing.

5. Learned counsel for appellants and learned counsel for respondents 3, 5 and 6 are ready. Learned counsel representing the counsel on record for R7 requests for an adjournment stating that counsel for R7 is in difficulty. Request for time acceded to.

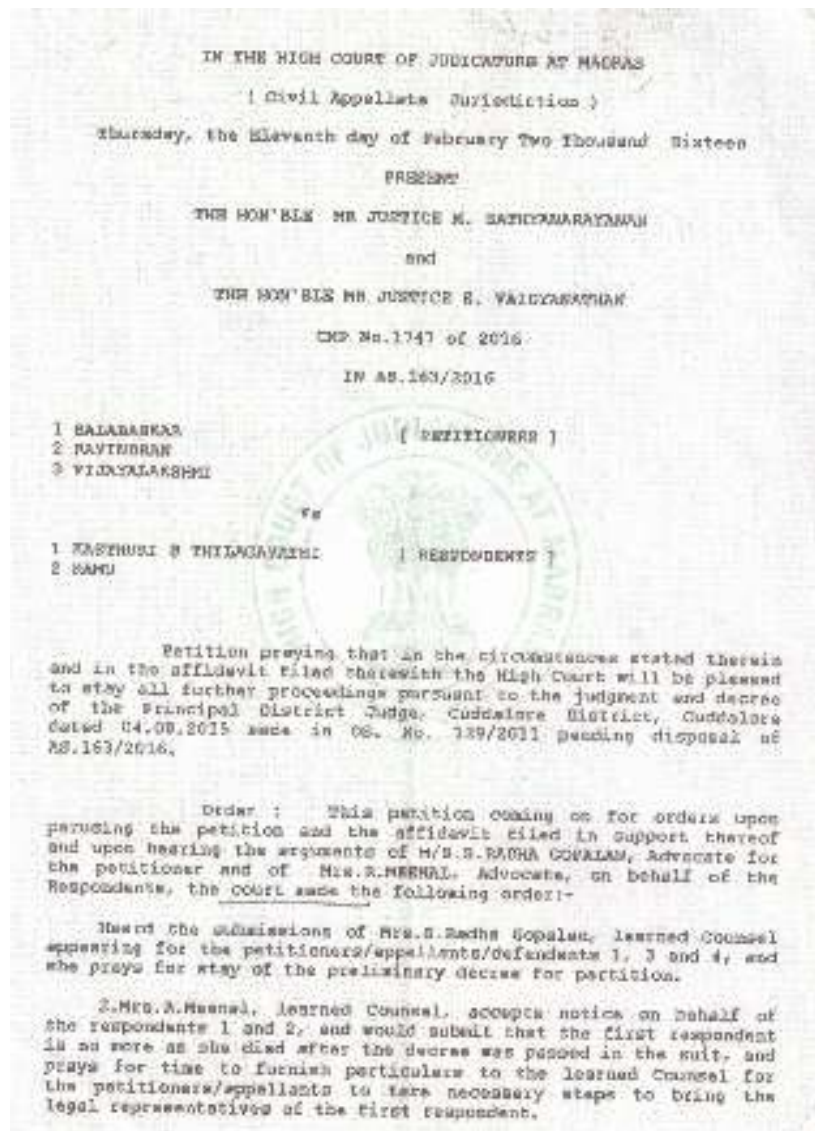
6. List a fortnight hence. List on 26.02.2024.'

2. Aforementioned proceedings are telltale qua the trajectory the matter has taken before this Court. The above mentioned proceedings also capture essential facts imperative for appreciating this order and therefore, we are not dilating on the same further. In other words, we are not setting out the same again. Be that as it may, in the captioned 'Civil Miscellaneous Petition' ['CMP'



CMP.No.1747 of 2016
in A.S.No.163 of 2016

for the sake of convenience and clarity], Hon'ble predecessor Bench has made an interim order on 11.02.2016 and a scanned reproduction of the same is as follows:





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CMP.No.1747 of 2016
in A.S.No.163 of 2016

3. There shall be an order of interim stay of the pass
of final decree alone.

List the CMP on 8.3.2016.

-sd/-
11/02/2016

/ TRUE COPY /

For VLB Chandrasekhar Ramesh
Sd/- Assistant Registrar | Statistics / C.S.
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
CUDDALORE DISTRICT.

— C.C. to M/S.B.RAJA GOPALAN Advocate SR.No. 2110.
+ C.C. to M/S.R.MEENAL Advocate SR.No. 2089.

Order
in
CMP.1747/2016
in
AS.163/2016
Date :11/02/2016

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
MRB 15.02.2016

3. Considering the trajectory the matter has taken, taking into account the position that the appeal arises out of a partition suit, we deem it appropriate to make the aforementioned interim stay absolute and give a closure to the captioned CMP albeit with a rider (to be noted, rider for the sake of abundant clarity) that all proceedings except passing of final decree can go on.

4. Captioned CMP disposed of in the aforesaid manner. There shall be no



*CMP.No.1747 of 2016
in A.S.No.163 of 2016*

order as to costs.

**[M.S. J.] [K.G.T., J]
12.02.2024
(2/2)**

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*CMP.No.1747 of 2016
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M.SUNDAR, J
and
K.GOVINDARAJAN THILAKAVADI, J

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CMP.No.1747 of 2016
in
A.S.No.163 of 2016

12.02.2024
(2/2)