



WEB COPY



CMP.No.7740 of 2024

CMP.No.7740 of 2024
in S.A.No.112 of 2024

N.MALA,J.

This petition is filed to vacate the stay granted on 16.02.2024 in CMP.No.3228 of 2024 in S.A.No.112 of 2024 and dismiss the Second Appeal with exemplary costs. The issue in the second appeal is whether there is any interference by the appellant in the common passage of the suit property.

2.The learned counsel for the appellants submits that if the interim stay is vacated then the second appeal itself will become infructuous.

3.In my view, if the stay is vacated then as rightly contended by the appellant the second appeal will become infructuous. But considering the advanced age of the vacate stay petitioner/respondent, I am of the view that the hearing of the second appeal should be expedited.

4.Hence, considering the advanced age of the vacate stay petitioner/respondent date is fixed for the final hearing of the second appeal.

The date fixed for final hearing of second appeal is 25.09.2024.

5.In view of the same, the vacate stay petition stands dismissed.



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6.Post the second appeal on 25.09.2024, for final hearing.

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01.08.2024

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