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C.M.P.No.13886 of 2024

C.M.P.No.13886 of 2024 in
A.S.No.461 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

The learned Counsel for the Appellant submitted that the Appellant is the Defendant-1 in the suit in O.S.No.6 of 2018 on the file of the II Additional District Judge, Vellore, Ranipet. The suit was filed by the Respondent-1 in this Appeal, the Plaintiff seeking specific performance of contract for sale of the property.

2. It is the contention of the learned Counsel for the Appellant that the son who was the Defendant-2 in the suit colluded with the Plaintiff and created documents that the properties are ancestral properties that there were claim for the daughters also, colluded with Plaintiff and created sale agreement based on which the Plaintiff had filed the suit. After full trial, by judgment dated 24.10.2019 in O.S.No.6 of 2018 the learned II Additional District Judge, Vellore decreed the suit. There was delay in getting certified copies. By the time, the certified copies were obtained, petition to condone the delay was filed and Appeal numbered. The learned II Additional District



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Judge, Vellore had executed sale deed in continuation of the decree for specific performance. The certified copies were objected by the Appellant herein (Defendant-1 before the trial Court in O.S.No.6 of 2018) by filing application as an indigent person. She was prevented out by the son. Therefore she approached the Court through the legal services Authority and there was delay in getting certified copies of the judgment and decree. The copies were obtained as the Plaintiff had proceeded with the execution of the sale deed. Now, after having filed this Appeal, the Defendant-1 as Appellant seeks interim stay for the operation of the judgment and decree.

3. The learned Counsel for the Respondent vehemently objects to the same stating that there cannot be stay as already the trial Court had executed decree. After registering the sale deed, the Plaintiff had sold it. Also he would submit that in C.M.P.No.29001 of 2023 in A.S.S.R.No.116603 of 2021, the Plaintiff before the trial Court as Respondent vehemently objects to the petition to condone delay and had filed counter wherein he had clearly stated the facts that the trial Court had executed the decree in paragraph 4.



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