



WEB COPY

CMP NO. 27462 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE R. SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP NO. 27462 of 2024

IN

AS NO. 1061 OF 2024

BALAKRISHNAN

S/O. PALANISAMY, D.NO. 36/17, ERUKKADU, 2ND STREET,
KARUVAMPALAYAM, TIRUPPUR. AND ANOTHER

APPELLANT(S)

Vs

VENKIDUPATHY

S/O. LATE RAMASAMY GOUNDER, D.NO. 61, ABT SALAI,
KARUVAMPALAYAM, TIRUPPUR 4.

RESPONDENT(S)

Prayer:- Civil Miscellaneous Petition filed under Section 151 of CPC, to grant an order of interim stay of the judgement and decree with respect to the counter claim in O.S.No.587 of 2021, dated 24.06.2024, on the file of the First Additional District and Sessions Court, Tiruppur, till disposal of this Appeal Suit.

For Appellant(s):

MR.M.ARAVIND SUBRAMANIAM,
SENIOR ADVOCATE FOR S.VEDIYAPPAN

For Respondent(s):

R.BHARATH KUMAR



ORDER

(Order of the Court was made by the Hon'ble R.Subramanian J.)

The petitioners seek interim stay of judgement and decree in O.S.No.587 of 2021, which was filed by the respondent seeking declaration and injunction and the same has been dismissed.

2. In the cross objection, there is a decree for declaration and injunction in respect of one item of the suit property. Therefore, there cannot be a stay of the said decree as it is not an executable decree. Hence, this petition is dismissed.

(R.SUBRAMANIAN J.) (C.KUMARAPPAN J.)

16-12-2024

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