



WEB COPY

CMP No. 9603 of 2026
SA No.175 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP No. 9603 of 2026 in
SA No.175 of 2026**

D.S.J. Hariharan (Died)

1. A.S. Hariharan,, S/o. D.S.J. Hariharan,
1/37-B, North Parade Road,
St. Thomas Mount, Alandur,
Chennai -600 016.

Regina (Died)

2. Betsy Balance, D/o.D.S.J. Hariharan,
1/37-B, North Parade Road,
St. Thomas Mount, Alandur,
Chennai -600 016.
3. Jessy Christopher, D/o. D.S.J. Hariharan,
No.1/37B, North Parade Road,
St. Thomas Mount, Chennai -600 016.
4. Anitha Chelliah, D/o. D.S.J. Hariharan,
No.1/37B, North Parade Road,
St. Thomas Mount, Chennai -600 016.

..Appellant(s)

Vs

G.Prakasam, S/o. Govindaswamy Naicker,
No.36-G, North Parade Road,
St. Thomas Mount, Alandur,
Chennai -600 016.

..Respondent(s)

Prayer: This petition is filed to Vacate the stay granted in CMP.No.4790 of 2026 in SA.No.175 of 2026 and dismiss the second appeal with exemplary costs.



WEB COPY

CMP No. 9603 of 2026
SA No.175 of 2026



For Appellant(s):

Mr. Praveen Alexander

For Respondent(s):

Mr.T.M.Mano

ORDER

This civil miscellaneous petition has been filed seeking to vacate the stay order granted by this court in CMP No.4790 of 2026 dated 19.02.2026.

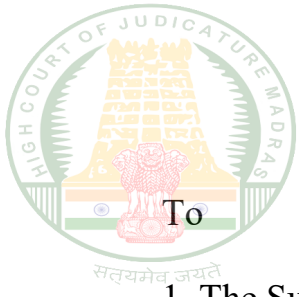
2. It is seen from the typed set of papers that the second appeal has been admitted on the substantial questions of law. The petitioners herein/ plaintiffs obtained a decree for mandatory injunction and the execution of the same has been stayed by this court. When the second appeal is admitted on substantial question of law, without hearing the second appeal, the decree holder cannot be allowed to execute the decree for mandatory injunction. The balance of convenience is in favour of granting stay. Hence, this petition to vacate the stay filed by the petitioners/ plaintiffs cannot be considered at this stage, as the stay is only in respect of execution of decree for mandatory injunction.

3. Accordingly, ***this civil miscellaneous petition is dismissed and the stay order passed by this court in CMP No.4790 of 2026 dated 19.02.2026 is made absolute.***

4. ***List the second appeal for final disposal on 04.01.2027.***

28-04-2026

MST



To

1. The Subordinate Judge, Alandur.

2. The District Munsif, Alandur.

CMP No. 9603 of 202
SA No.175 of 2



WEB COPY



WEB COPY

CMP No. 9603 of 2026
SA No.175 of 2026



S.SOUNTCHAR, J.

MST

**CMP No. 9603 of 2026 in
SA. No.175 of 2026**

28-04-2026