



WEB COPY

CMP No. 16341 of 2024
SA No.514 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP No. 16341 of 2024 in
SA No.514 of 2024**

R.Prabhu, S/o.Late V.Ramalingam,
No.49, Battai Street, Velapadi,
Vellore-632001.

..Appellant(s)

Vs

1. Santhalakshmi
D/o.Sivananda Mudaliar, No.174, M.G.Road
villupuram Villupuram Taluk and District.
2. D.Dhandapani
S/o.Dakshinamurthy, 15, Balaji Road,
Krishnanagar, Vellore
3. N.P.Srinivasan,
S/o.N.K.Pandurangan, NO.381/3, Main bazaar,
Vellore 632004 Old Address NO.29, Mitta
Anandarao Street, Vellore.

..Respondent(s)

Prayer; This Civil Miscellaneous Petition is filed to grant stay of all further proceedings of the common Judgment and decree dated 30.04.2024 passed in AS No.12/2015 on the file of I Additional District and Sessions Court, Vellore, by partly reversing the Judgment and decree dated 07.08.2014 passed in OS No.114/2005 on the file of Sub Court, Vellore pending disposal of the above Second appeal.

For Appellant(s):

Mr.N.Ramakrishnan
for M/s ARK Law Associates



ORDER

It is seen from the records that the appellant herein and one P.Seenivasan filed a suit in O.S.No.114 of 2005 for declaration and permanent injunction.

The Trial Court partly decreed the suit in respect of prayer for injunction and dismissed suit in respect of prayer of declaration.

2. Aggrieved by the negatived portion of the trial court's decree, the plaintiffs filed an appeal in A.S.No.12 of 2015 and the same was dismissed by the first appellate court, confirming the judgment and decree passed by the Trial Court. Further, while dismissing the appeal, the first appellate court directed the appellant herein (Prabhu) to hand over the possession of the property to the appellant in A.S.No.31 of 2015, i.e. the first respondent herein Santhalakshmi. In a suit for declaration and injunction filed by the appellant/plaintiffs, the first appellate court ought not have issued this kind of direction to the appellant/2nd plaintiff to hand over possession of the property to the first respondent, who was arrayed as first defendant in the suit.

3. If the direction for handing over possession of the property is allowed to be executed, pending second appeal, it will cause lot of inconvenience to the appellant/2nd plaintiff. Hence, the interim order already granted by this court, dated 01.08.2024 is made absolute.

4. Post the second appeal for final disposal in the 2nd week of August 2026.

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To

CMP No. 16341 of 202
SA No.514 of 2



1. The I Additional District and Sessions Court, Vellore.
2. The Subordinate Judge, Vellore.



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CMP No. 16341 of 202
SA No.514 of 2



S.SOUNTHAR, J.

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SA No.514 of 2024**

**16-06-2026
(1/3)**