

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Nineteenth day of December Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

SA(MD)Nos.350 & 351 of 2018

and

CMP(MD) Nos.10095 of 2018

WEB COPY

IN SA(MD) No.350 of 2018 :

K.SUBRAMANIAN

... APPELLANT/APPELLANT/DEFENDANT

Vs

1. SELVARAJ
2. CHINNAPONNU
3. PITCHAI
4. ANGULAKSHMI

SIVAGAMI (DIED)

... RESPONDENTS 1 TO 4 /
APPELLANTS 1 TO 5/PLAINTIFFS

5. C.PARAMAN

... 5th RESPONDENT/6th RESPONDENT/
PARAMAN NOT A PARTY IN OS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to call for the records and set aside the judgment and decree dated 11.04.2016 in A.S.No.1 of 2014 on the file of Principal District Judge, Tiruchirappalli, confirming the Judgment and decree dated 31.01.2006 in OS No.2534 of 1996 on the file of First Additional District Munsif, Tiruchirappalli with costs throughout.

PRAYER IN CMP(MD) No.10095/2018 in SA(MD) NO.350/2018 :

Pleased to stay all further proceedings in pursuant to the judgment decree dated in 31.01.2016 in O.S.No.2534 of 1996 on the file of First Additional District Munsif, Tiruchirappalli, subsequently confirmed by the judgment and decree dated 11.04.2016 in A.S.No.1 of 2014 on the file of Principle District Judge, Tiruchirappalli pending disposal of this second appeal.

IN SA(MD) No.351 of 2018 :

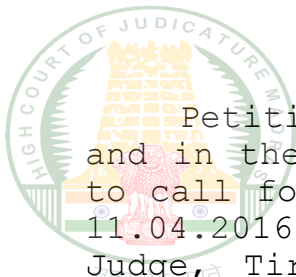
K.SUBRAMANIAN

... APPELLANT/APPELLANT/Plaintiff

Vs

1. PITCHAI
2. SELVARAJ

... RESPONDENTS/RESPONDENTS/
DEFENDANTS



Petition filed praying that in the circumstances stated in and in the affidavit filed therewith the High Court may be pleased to call for the records and set aside the judgment and decree dated 11.04.2016 in A.S.No.91 of 2012 on the file of Principal District Judge, Tiruchirappalli, confirming the Judgment and decree dated 31.01.2006 in OS No.857 of 1997 on the file of First Additional District Munsif, Tiruchirappalli and allow this second appeal with costs throughout.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.H.LAKSHMI SHANKAR, Advocate for the petitioner in both petitions and of MR.R.SUNDAR SRINIVASAN, Advocate on behalf of the 1st Respondent in SA(MD) No.350/2018 and of none appeared for the 3rd respondent either in person or through by an advocate in SA(MD) No.350/2018, the court made the following order:-

These second appeals are filed as against the concurrent findings of the courts below. The appeals are not yet admitted, However, this Court ordered notice on 15.11.2018 to the respondent as to the admission. The respondents have also entered appearance.

2.The learned Counsel for the appellant submits that the respondents have filed an execution petition and the execution Court also passed an order of delivery and removal of building on 07.12.2022 and therefore, he requested for earlier disposal of these second appeals and he also prayed for interim protection.

3.The learned Counsel for the respondents submits that the 2nd and 3rd respondents in SA(MD)No.350 of 2018 died. Similarly 1st respondent in SA(MD)No.351 of 2018 also died and therefore, necessary steps have to be taken to implead the legal heirs of the deceased respondents for disposal of the second appeals. The learned Counsel for the appellants seeks time to implead the legal heirs of the respective respondents.

4.Since the learned Counsel for the appellant submits that the execution court has passed an order of delivery, there shall be an order of interim stay of the execution proceedings till 10.01.2023. In the mean time the appellant shall take necessary steps to implead the legal heirs of the deceased respondents.

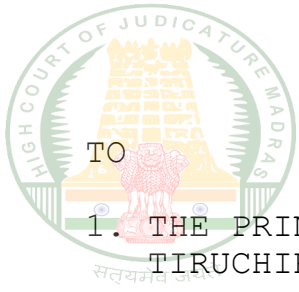
Post on 10.01.2023.

sd/-
19/12/2022

/ TRUE COPY /

/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE PRINCIPAL DISTRICT JUDGE,
TIRUCHIRAPPALLI.

2. THE FIRST ADDITIONAL DISTRICT MUNSIF,
TIRUCHIRAPPALLI.

+1. C.C. to M/S.H.LAKSHMI SHANKAR Advocate SR.No.15099(I), DATED :
19.12.2022.

+1. C.C. to M/S.R.SUNDAR SRINIVASAN, Advocate SR.No.15190(I), DATED
: 20.12.2022.

ORDER
IN
SA(MD)Nos.350 & 351 of 2018
and
CMP(MD) Nos.10095 of 2018
Date :19/12/2022

vrn/dsk
USK/VR/SAR-IV/21.12.2022/3P/5C