



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

Tuesday, the Twenty First day of February Two Thousand Seventeen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.11346 of 2016
and
CMP(MD) No.11347 of 2016
IN
CRP(MD) No.812 of 2015

R.JEYACHANDRAN

... PETITIONER/PETITIONER
in both the petitions.

Vs

S.PARASAMMAL

... RESPONDENT/RESPONDENT
in both the petitions.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay of all further proceedings of the sale dated 30.11.2016 made in E.P.No.64 of 2014 on the file of the Additional District judge, Dindigul pending disposal of the above Civil Miscellaneous Petition

Prayer in CMP(MD). 11347/ 2016 :

To grant extension of time for payment of Rs.20 lakhs in C.R.P(MD)No.812 of 2015 dated 29.07.2015 as granted by this Honourable Court

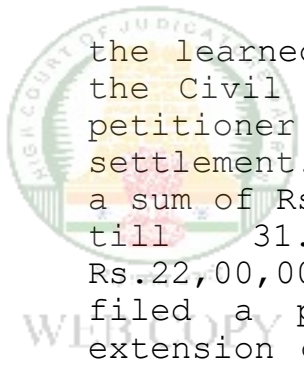
Prayer in CRP(MD). 812/ 2015 :

To set aside the order dated 12.2.2015 made in E.P.No.64 of 2014 on the file of the Additional District Judge, Dindigul and allow the CRP.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.ATHIMOOLA PANDIAN, Advocate for petitioners in both the petitions and of MR.R.SUNDAR on behalf of Respondents in both the petitions the court made the following order:-

C.M.P(MD)No.11346 of 2016 has been filed to stay of all further proceedings of the sale dated 30.11.2016 made in E.P.No.64 of 2014 on the file of the Additional District Court, Dindigul.

2. C.M.P(MD)No.11347 of 2016 has been filed to grant extension of time for payment of Rs.20 lakhs in C.R.P(MD)No.815 of 2016, dated 29.07.2015.



the learned Additional District Judge, Dindigul. During pendency of the Civil Revision Petition, parties have settled the matter. The petitioner agreed to pay a sum of Rs.25,00,000/- as full and final settlement. The respondent agreed for the same. The petitioner paid a sum of Rs.3,00,000/- and this Court granted time to the petitioner till 31.12.2015 for payment of balance amount of Rs.22,00,000/-. The petitioner did not pay the balance amount and filed a petition in C.M.P(MD)No.1588 of 2016 and sought for extension of three months time on the ground of celebration of his daughter's marriage and therefore, he could not pay the amount in time. On 22.02.2016, the petitioner paid Rs.2,00,000/- by way of Demand Draft and for payment of balance amount of Rs.20,00,000/-, this Court extended time till 31.03.2016. Again the petitioner has come up with the petition in C.M.P(MD)No.3648 of 2016 for further extension of time. The said petition was dismissed by an order dated 04.04.2016. Against that, the petitioner filed S.L.P (Civil) No.21239 of 2016 before the Honourable Apex Court. The Honourable Apex Court directed the petitioner to approach this Court for suitable order.

4.At the time of hearing, the learned counsel for the petitioner tendered Demand Draft for a sum of Rs.20,50,000/- in favour of the respondent. But the learned counsel for the respondent did not agree to receive the same on the ground that his client is not willing to receive the amount.

5.In view of the fact that the petitioner is having Demand Draft for a sum of Rs.20,50,000/- in favour of the respondent, since the respondent is not willing to receive the Demand Draft, the petitioner is directed to deposit the said amount to the credit of Execution Petition in E.P.No.64 of 2014 on the file of the Additional District Court, Dindigul, within a period of one week from the date of receipt of a copy of this order. Till such time, there shall be an order of stay of all further proceedings in the Execution Petition.

6.On such deposit, the Execution Petition will be terminated as per the earlier order passed by this Court, dated 29.07.2015.

7.These petitions are ordered accordingly.

sd/-
21/02/2017

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT JUDGE
DINDIGUL.



+1. C.C. to M/S.P.ATHIMOOLA PANDIAN Advocate SR.No.9784
+1 cc to Mr.R.Sundar, Advocate SR.No. 9842

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ORDER
IN
CMP (MD) No.11346 of 2016
IN
CRP (MD) No.812 of 2015
Date :21/02/2017