



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

Friday, the Seventeenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
and

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP (MD) No.6178 of 2017

IN

AS (MD) No.103 of 2017

NATARAJAN

... PETITIONER/APPELLANT

Vs

M.THANGAVEL

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant Interim Stay of operation of the Judgment and Decree dated 10.8.2016 passed in O.S.No.47 of 2011 on the file of the Principal District Court, Karur, pending disposal of the above Appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.PT.S.NARENDRAVASAN, Advocate for the petitioner and of MR.M.P.SENTHIL, Advocate on behalf of the Respondent the court made the following order:-

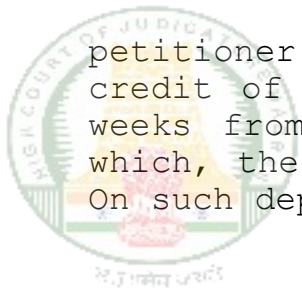
This petition has been filed seeking stay of operations of the judgment and decree dated 10.08.2016 passed in O.S.No.47 of 2011 by the Principal District Judge, Karur.

2. Heard Mr.PT.S.Narendra Vasan, learned counsel for the petitioner, Mr.M.P.Senthil, learned counsel for the respondent and perused the records.

3. The learned counsel for the petitioner would submit that the respondent instituted a suit for recovery of money based on the promissory note dated 05.11.2009 and the petitioner has proved his defence that the promissory note executed for Rs.2,00,000/-, but, '1' was prefixed as if the petitioner borrowed Rs.12,00,000/- by examining an expert.

4. The learned counsel for the respondent submitted that the petitioner has admitted the execution of promissory note and his defence was rightly disbelieved by the trial Court.

5. However, considering the facts and circumstances of this case, there shall be an order of stay on condition that the



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petitioner shall deposit Rs.4,00,000/- (Four Lakhs only) to the credit of the suit in O.S.No.47 of 2011 within a period of eight weeks from the date of receipt of a copy of this order, failing which, the order of interim stay shall stand automatically vacated. On such deposit, the respondent is permitted to withdraw the amount.

sd/-

17/11/2017

/ TRUE COPY /

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

TO

THE PRINCIPAL DISTRICT JUDGE,
KARUR.

+1. C.C. to MR.PT.S.NARENDRAVASAN Advocate SR.No.34644

+1. C.C. to MR.M.P.SENTHIL Advocate SR.No.34698

ORDER

IN

CMP(MD) No.6178 of 2017

IN

AS(MD) No.103 of 2017

Date :17/11/2017

MKV-PM-PN-SAR 4/23.11.2017/2P-4C