

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE M.DURAI SWAMY

CMP Nos.22527 and 22528 of 2017

IN AS.705/2017

N.JAYA

[PETITIONER IN BOTH THE PETITIONS]

Vs

1 V.NEELARAMAN

[RESPONDENTS IN BOTH THE PETITIONS]

2 THE MANAGER

INDIAN OVERSEAS BANK, ADAMBAKKAM,
BRANCH, KARUNEEGAR STREET,
ADAMBAKKAM, CH-88

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) To stay the operation of the judgment and decree passed in OS NO. 166/2011 dated 24/07/2015 passed by the Learned Principal District Judge of Kancheepuram at Chengalpattu (in CMP.22527/2017) and;

(ii) To grant an order of interim injunction restraining the 1st respondent/1st defendant, his men, agents or anyone claiming under him from in any way encumbering/alienating the schedule property which was the subject matter in OS NO. 166/2011 on the file of the Principal District Judge of Kancheepuram at Chengalpattu (in CMP.22528/2017) pending disposal of the above appeal AS.705/2017

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.S.D.VENKATESWARAN, Advocate for the petitioner in both the petitions and of MR.S.V.VIJAY PRASHANTH, Advocate for the Respondent the court made the following order:-

Since there is no executable decree passed against the plaintiff, the stay petition filed by the plaintiff is not maintainable.

2. Further, it is brought to the notice of this Court by the learned counsel for the respondent that pursuant to the decree passed in O.S.No.166/11 dated 24/7/2017, the 1st respondent/1st defendant had deposited a sum of Rs.4,70,000/- together with accused interest to the credit of the suit.

3. In view of the submission, I direct the Principal District Judge, Chengalpat to deposit the amount deposited by the 1st respondent/1st defendant lying to the credit of O.S.No.166/2011 in a Nationalised Bank in re-investment scheme initially for a period of three years.

4. Notice to 2nd respondent returnable in four weeks.

5. Counter of 1st respondent in four weeks' time.

-sd/-
07/02/2018
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
KANCHEEPURAM DISTRICT AT CHENGALPATTU

C.C. to M/S.S.D.VENKATESWARAN Advocate Sr.No.1572

Order

in
CMP.Nos.22527 & 22528/2017

in
AS.705/2017

Date :07/02/2018

From 26.2.2001 the Registry is issuing certified
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RRI 12/02/2018