

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of March Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MR JUSTICE C. SARAVANAN

CMP NO.14434 OF 2018

IN OSA.305/2018

M/S. RELAINCE LIFE INSURANCE [PETITIONER]
CO.LTD., 9 TH AND 10 TH FLOOR BUILDING NO.2
R-TECH PARK NIRLON COMPOUND NEXT TO HUB MALL,
BEHIND I FLEX BUILDING GURAGAEON (EAST)
MUMBAI.

Vs

1 M/S. HARTFORD ACADEMY OF [RESPONDENT]
INSURANCE AND EDUCATION PVT LTD.,
REP BY ITS DIRECTOR MR. MOH IQBAL MOH BUILDINGS III
FLOOR NO.576, ANNASALAI, TEYNAMPET, CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the Judgment and Decree dated 26.07.2017 passed in CS No.443 of 2011 or pass any other order/orders this Honble Court may deem fit in the circumstances of the case and thus render justice. (CMP.14434/2018)

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.S.NAMASIVAYAM, Advocate for the petitioner and of MR.T.VISWANATHA RAO, Advocate (Caveator) for the Respondent the court made the following order:-

(Order of the Court was made by M.M.SUNDRESH, J.)

Mr.T.Viswanatha Rao, learned counsel takes notice for the caveator/respondent.

2.Seeking stay of the decree granted for possession, the present petition has been filed.

3.Learned counsel appearing for the petitioner submitted that the entire amount has been paid by way of cheques. This aspect has not been considered properly by the learned single Judge. The suit is barred by limitation and therefore Article 137 of the Limitation Act will not have any bearing.

4.Learned counsel appearing for the respondent/plaintiff submitted that inasmuch as the judgment has been rendered after consideration of the relevant materials, appropriate orders will have to be passed, directing the petitioner to deposit the entire amount.

5.Stay of the decree granted for recovery of money cannot be done as a matter of course unless strong grounds are made out. We find that the learned single Judge has passed a reasoned order and therefore taking into consideration the interest of both sides, there shall be an order of interim stay on condition that the petitioner pays 25% of the amount decreed by the learned single Judge in favour of the respondent/plaintiff within a period of eight weeks from today, which shall be subject to the result of the appeal. This miscellaneous petition is disposed of accordingly.

-sd/-

20/03/2019

/ TRUE COPY /

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

TO

1 THE SUB ASSISTANT REGISTRAR,
ORIGINAL SIDE, HIGH COURT, MADRAS 104.

C.C. to M/S.S.NAMASIVAYAM Advocate on payment of necessary charges

Order

in

CMP.14434/2018

IN OSA.305/2018

Date :20/03/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 28/03/2019