IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of February Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MR JUSTICE C. SARAVANAN

CMP No.15310 of 2018

IN AS.531/2018

1 R. VIKRAM [PETITIONERS]

2 V.T. JAYASIMMAN

Vs

S. LATHA MAHESWARI @ LATHA [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify to the order dt 01/08/2018 in CMP No.13405/2018 in AS 531/2018 without insisting on deposit of 50% of the decree amount with proportionate interest (CMP.15310/2018)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.P.VALLIAPPAN, Advocate for the petitioner and of MR.E.K.KUMARESAN, Advocate (Caveator) for the Respondent the court made the following order:-

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

This petition has been filed seeking modification of the order dated 01.08.2018 made in C.M.P.No.13405 of 2018 in A.S.No.531 of 2018 on the premise that there is a discharge.

2.The question of discharge will have to decided in the appeal. However, considering the submissions made, we are inclined to modify the order passed by directing the petitioner to deposit 25% of the amount decreed by the Court below to the credit of O.S.No.97 of 2013 on the file of the III Additional District and Sessions Court, Coimbatore, within a period of six weeks from the date of receipt of a copy of this order.

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3.On such deposit, the respondent is permitted to withdraw the same, of course subject to the result of the appeal. This miscellaneous petition is ordered accordingly.

-sd/-
20/02/2019
/ TRUE COPY /

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

TO

1 THE 3RD ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

C.C. to MR.P.VALLIAPPAN Advocate Sr.No.2605

C.C. to MR.E.K.KUMARESAN, Advocate (Caveator) Sr.No.2481

Order
in
CMP.15310/2018
in
AS.531/2018

Date :20/02/2019

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