

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Eighth day of July Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE R. MAHADEVAN

CMP No.8723 of 2017

IN AS.203/2017

G.KHAJA SAHIB

[PETITIONER]

Vs

V.JAMEEL AHMED

[RESPONDENT]

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 12.01.2017 passed in O.S.No.13 of 2015 on the file of II Additional District and Sessions Judge, Vellore at Ranipet, Vellore District. (CMP.8723/2017 in AS.203/2017)

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.K.R.B.DHARRANEE, Advocate for the petitioner and of MR.D.ASHOK KUMAR, on behalf of the Respondent the court made the following order:-

In this miscellaneous petition, on 26.07.2017, this Court passed the following order :

"Considering the facts that decree and delivery of possession on clause 2 and clause 3 is one for mandatory injunction. There will be an interim stay of clause 2 and 3 of the decree alone in other aspects there will be no stay.

2. Mr.D.Ashok Kumar, learned counsel takes notice for the sole respondent.

3. Counter by one week.

4. Post next week."

2. Subsequently, on 04.09.2017, the interim order already granted was modified and was made absolute as follows:

"3. There will be a stay of execution of the decree relating to clause 2 and clause 3 alone on condition, the petitioner deposits a sum of Rs.3,96,000/- (Rupees Three Lakhs Ninety Six Thousand Only) being the arrears of damages from the date of suit till August' 2017 to the credit of the suit in O.S.No.13/2017 dated 12.01.2017, on the file of the II Additional District and Sessions Judge, Ranipet, Vellore District, within a period of 12 weeks from the date of receipt of copy of this order, and continue to deposit at the rate of Rs.9,000/-p.m., till disposal of the appeal. In the event of failure to comply with the conditions as stated above, the interim stay shall stand vacated automatically. The damages for the period from September 2017 shall be deposited before the trial Court on or before 20th day of the every succeeding month. "

3. Today, when the matter was taken up for consideration, the learned counsel for the appellant, on instructions, submitted that the conditional order dated 04.09.2017 has been duly complied with by the appellant.

4. In view of the above, this Civil Miscellaneous Petition is ordered accordingly.

-sd/-

28/07/2020

/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE, VELLORE AT RANIPET,
VELLORE DISTRICT

C.C. to M/S.K.R.B.DHARRANEE Advocate on payment of necessary charges

WEB COPY

Order
in

CMP.8723/2017

in

AS.203/2017

Date :28/07/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 25/09/2020