



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE PARESH UPADHYAY

and

THE HON`BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CMP.No.9341 of 2021

in AS.No.200 of 2021

1 A.K.SUDHA

[PETITIONERS]

2 DHANISH

3 MINOR YADHU KRISHNA

S/O.LATE M.RAJA, REP. BY HIS GUARDIAN MOTHER
A.K.SUDHA, NO.3/30, CHOLAN NAGAR,
KUNIYAMUTHUR, COIMBATORE 641 008.

4 MEENAKSHI

Vs

HDFC BANK LTD

[RESPONDENT]

NO.723, (A AND B), THIRUMALAI TOWERS,
OPPOSITE TO THE HOTEL RESIDENCY, AVINASHI
ROAD, COIMBATORE 641 08.

REPRESENTED BY ITS BRANCH MANAGER A.GOPINAT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay execution of Judgement and decree dated 24.10.2019 passed in O.S.No.566 of 2011 on the files of the I Additional District Judge, Coimbatore and thus render justice.(in CMP.No.9341/2021)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.OM SAI RAM, Advocate for the petitioner and of M/S.MARY, Advocate for M/S.KING AND PARTRIDGE for Caveator on behalf of the Respondents the court made the following order:-



(Order of the Court was made by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the judgment and decree dated 24 October 2019 passed by learned I Additional District Judge, Coimbatore in O.S.No.566 of 2011.

2. Heard the learned advocate for the petitioners and the learned advocate for the respondent/original plaintiff (employer).

3. The principal controversy is that, the suit for recovery was filed by the bank - not as a lender of money but as an employer for recovery of amount, which was allegedly defrauded by its employee, who, during the pendency of the proceedings, died. Whether the legal heirs can be legally asked to disprove the case of the employer, would be a question to be gone into.

4. It is ordered that during the pendency of the appeal, the impugned judgment and decree shall remain stayed.

5. Liberty reserved to the parties to move the Court for early hearing of the appeal.

This miscellaneous petition is allowed in the above terms.

-sd/-
25/10/2021
/ TRUE COPY /

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

TO

THE I ADDITIONAL DISTRICT JUDGE,
COIMBATORE.

C.C. to M/S.OM SAI RAM Advocate SR.No.6040/2021.

C.C. to M/S.KING & PARTRIDGE, Advocates SR.No.6032/2021.

Order
in
CMP.No.9341 of 2021
in AS.No.200 of 2021

Date :25/10/2021

From 26.2.2001 the Registry is issuing certified
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