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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

O.S.A.Nos.258 and 259 of 2020
and C.M.P.No.12874 of 2020

Rajender Singh

.. Appellant
in both OSAs

Vs

Jithendra Kumar Roopchand & Sons,
Rep. by its
Karthi Mr.Jithendra Kumar Roopchand,
residing at
No.88/1/5,Narayana Mudali Street,
Chennai - 600 079.

.. Respondent
in both OSAs

Appeals filed Under Clause 15 of Letters Patent read with Order XXXVI Rule 1 of the Madras High Court Original Side Rules against the order (i) dated 16.03.2020 made in A.No.966 of 2019 in C.S.No.621 of 2019 and (ii) dated 14.09.2020 made in A.No.1991 of 2020 in C.S.No.621 of 2019.

For Appellant : Mr.R.Manickavel
(in both OSAs)

For Respondent : Mr.AR.L.Sundaresan, Sr.Counsel
(in both OSAs) for Mr.S.Ramesh Kumar

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

These appeals lie on a very narrow compass. The suit has been filed by the appellant for redemption of mortgage. Pending suit, the appellant sought for injunction. The learned Single Judge upon hearing the parties, passed the following order in O.A.No.966 of 2019 in C.S.No.621 of 2019:-



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"18. The applicant has deposited a sum of Rs.50,00,000/- pursuant to the conditional order passed by this Court in the present Application on 24.10.2019. The said deposit was made on 9.3.2020. The applicant, in his affidavit filed in support of the Application, has consented to pay the principal amount of Rs.4,00,00,000/- together with interest at the rate of 9 percent per annum, totalling Rs.5,58,00,000/-. Therefore, it is directed that the applicant shall deposit the admitted amount of Rs.5,58,00,000/- within four weeks from the date of receipt of a copy of this order. The interim order already granted is extended subject to the condition that the said amount of Rs.5,58,00,000/- shall be deposited by the applicant, as directed above, failing which the injunction shall stand automatically vacated and the Application shall stand dismissed."

2. The aforesaid amount directed to be paid is only the remaining part of the principal amount. Now, the issue is with respect to the interest component. Therefore, we do not find any error in the order passed by the learned Single Judge as it is the very case of the appellant that he is liable to pay only the principal amount with minimum interest.

3. Inasmuch as the learned Single Judge directed the appellant to pay the remaining part of the principal amount, we do not find any error in the order passed by the learned Single Judge warranting interference.

4. Learned counsel appearing for the appellant seeks a further period of eight weeks to pay the remaining principal amount to the respondent, as directed by the learned Single Judge. Accordingly, we permit the appellant to pay the remaining principal amount to the respondent/defendant within a period of eight weeks from the date of receipt of a copy of this judgment. We make it clear that on non-compliance of conditional order, the injunction application shall stand dismissed.

5. Considering the above, we request the learned Single Judge dealing with the final hearing of the suit to make an endeavour to dispose of the same within a period of six months.

6. The Original Side Appeals stand disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mmi/ssm



To

The Sub-Assistant Registrar,
Original Side,
High Court, Madras.

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+4cc to Mr.S.Ramesh Kumar, Advocate, S.R.No.28483, 28484
+1cc to Mr.R.Manickavel, Advocate, S.R.No.28325

O.S.A.Nos. 258 and 259 of 2020

SR-II(CO)
HS(30/07/2021)