



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Second day of August Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE G. CHANDRASEKHARAN

CMP No.11913 of 2021

in CRP.PD.No.970 of 2021

1 R.GAYATHRI

[PETITIONERS]

2 A.NAGESWARI

3 P.SHEELA

4 P.DILLIBABU

Vs

1 MOHAMMED SHUAIB MUSVEE

[RESPONDENTS]

2 SHAGUFTA MUSVEE

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an extension of time for another 30 days from the date of order of this petition to deposit Rs.7.90 Lacs into the account of O.S.No.281 of 2018 pending on file of the Principal District Judge, Chengalpattu and grant such other suitable orders and thus render justice.(in CMP.No.11913/2021).

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.C.UMASHANKAR, Advocate for the petitioner and of M/S.V.C.SELVASEKARAN, Advocate for the 1 & 2 respondents the court made the following order:-

This Civil Miscellaneous Petition has been filed to grant an extension of time for another 30 days from the date of receipt of a copy of this order to deposit a sum of Rs.7.90 Lakhs into the account of O.S.No.281 of 2018 pending on the file of the Principal District Judge, Chengalpattu.

2.Originally the suit was filed for recovery of Rs.41,14,640/-. Pending suit, I.A.No.1175 of 2018 was filed under Order XXXVIII Rule 5 of CPC. The learned Principal District Judge, Chengalpattu, passed an order, directing the respondent to deposit a sum of Rs.9,90,000/- (Rupees Nine Lakhs Ninety Thousand Only) before the trial Court on or before 18.04.2021, failing which the order of attachment passed by the Court dated 07.12.2019 shall stand still.



3.As against the order of the learned trial Judge dated 19.02.2021 in I.A.No.1175 of 2018 the petitioner preferred the Civil Revision Petition before this Court.

4.After hearing both sides, this Court passed an order dated 05.07.2021, which reads as follows:-

"I do not find any reason to interfere with the order of the learned Principal District Judge except to state that I.A.No.1175 of 2018 should be revived to record deposit of further sum of Rs.7,90,000/- on or before 30.07.2021 as directed by this Court."

5.The learned counsel for the petitioner would submit that due to Covid-19 pandemic situation, he was not able to mobilise funds and prays for extension of time for another 30 days.

6.The learned counsel for the respondents strongly opposed this petition on the ground that the petitioner has been in occupation of the property and not paying the rent regularly. Therefore, he opposed to grant further period of extension of time.

7.Heard both sides.

8.Admittedly, the learned trial Judge directed the respondents to deposit a sum of Rs.9,90,000/- on or before 18.04.2021. A sum of Rs.2,00,000/- was paid during the pendency of this petition. It was further directed by this Court by order dated 05.07.2021, to pay a sum of Rs.7,90,000/- and granted further period of time, to deposit the above stated amount till 30.07.2021.

9.Now, the reason for extension of further period of time is due to Covid -19 pandemic situation.

10.Hence, being satisfied with the reason stated by the learned counsel for the petitioner, this Court grants further period till 31.08.2021, to deposit a sum of Rs.7,90,000/- before the Court below.

11.Accordingly, this Civil Miscellaneous Petition is allowed.

-sd/-

02/08/2021

/ TRUE COPY /

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



TO

1 THE PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU.

Order

in
CMP.11913/2021

in
CRP.970/2021

Date :02/08/2021

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