



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Third day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M. SUNDAR

CMP No.23868 of 2019

in S.A.No.1096 of 2019

1 M/S.IRIDIUM NDT SUPPLIERS
REP BY ITS PARTNERS,

[PETITIONERS]

1. Mrs.J.ROBERT CHARLES,

2. Mrs.OMANA,
PLOT NO .2, MANICKAM ILLAM,
EASWARI NAGAR, KEELKATTALAI,
CHENNAI-600 117

2 J.ROBERT CHARLES

3 OMANA

Vs

CORPORATION BANK
ASHOK NAGAR BRANCH,
REP BY ITS CHIEF MANAGER,
Mr.V.VASUDEVAN,
NO.58, 1ST AVENUE 100 FT ROAD,
ASHOK NAGAR, Chennai-600 041.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all further proceedings of the judgement and decree in the Os No.1661 /2014 dt 17/04/2017 by the Honble VII Asst City civil court Judge, Chennai as Confirmed by the judgement and decree in As No.28/2018 dt 08/02/2019 on the file of the XVII Addl City Civil Court Chennai (in CMP No.23868 of 2019) pending disposal of the above S.A.No.1096 of 2019.

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 MR.CHOL ARASAN, ADVOCATE for M/S.K.SELVARAJ, Advocate for the petitioner and of MR.A.TAMIZHVANAN, ADVOCATE on behalf of the Respondents the court made the following order:-



Mr.Chol Arasan, learned counsel on record for three petitioners/appellants and Mr.A.Tamizhvanan, learned counsel representing the counsel on record for lone respondent/respondent are before this Virtual Court.

WEB COPY

2. When the main second appeal was listed for admission, Hon'ble predecessor Judge has made a conditional order of interim stay on 12.11.2019, which reads as follows:

'There will be an order of stay of execution of decree on condition that the appellant deposits 50% of the decree amount within a period of eight (8) weeks from today, failing which the stay granted will stand automatically vacated.'

3. In the Virtual Court today, there is no dispute or disagreement that the condition i.e., deposit of 50% of the decree amount within eight weeks from 12.11.2019 has not been complied with. Eight weeks from 12.11.2019 elapsed some time in January of 2020, more than one and half years ago. The aforementioned interim order of conditional stay is also clear that on failure to comply with the condition, the stay will stand automatically vacated. It therefore follows as a sequitur that captioned CMP stands dismissed.

Captioned CMP dismissed for the reasons set out supra. There shall be no order as to costs.

-sd/-

23/07/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)

High Court, Madras - 600 104

TO

1 THE VII ASSISTANT JUDGE,
CITY CIVIL COURT, CHENNAI.

2 THE XVII ADDITIONAL JUDGE
CITY CIVIL COURT, CHENNAI.

Order

in

CMP No.23868 of 2019
in S.A.No.1096 of 2019

Date :23/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format