



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Wednesday, the Twenty Eighth day of July Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMP(MD) No.3678 of 2021

IN

AS(MD) No.107 of 2021

N.PUSHPAM

... PETITIONER/APPELLANT

Vs

1.S.SIVAGAMI

2 S.GANESAN

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of the Judgment and decree passed in O.S.No.226 of 2017 dated 01-10-2019 on the file Learned I Additional District Judge, Madurai pending disposal of the above Appeal Suit.

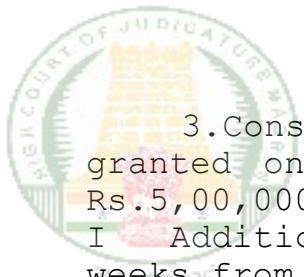
Prayer in AS(MD). 107 of 2021 :

To set aside the Judgment and Decree dated 01-10-2019 by the Learned I Additional District Judge, Madurai made in O.S.No.226 of 2017 and allow the First Appeal.

ORDER :This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.D.SRINIVASARAGAVAN, Advocate for the petitioner and of MR.S.SIVA THILAGAR, Advocate for the 1<sup>st</sup> Respondent, the court made the following order:-

The first defendant in O.S.No.226 of 2017 on the file of the I Additional District Judge, Madurai, is the appellant in this appeal. The suit was filed by the first respondent/Sivagami based on the promissory note. The suit has been decreed as prayed for. The defendants had been directed to pay a sum of Rs.11,94,200/- with subsequent interest. Challenging the same, this appeal suit has been filed.

2.When interim stay is sought in respect of money decree, it is mandatory to stipulate conditions. As rightly pointed out by the learned counsel for the plaintiff, the Court may call upon the first defendant/appellant herein to deposit 50% of the decretal amount.



3. Considering the special circumstances, interim stay is granted on condition that the petitioner shall deposit a sum of Rs.5,00,000/- to the credit of O.S.No.226 of 2017 on the file of I Additional District Judge, Madurai, within a period of eight weeks from the date of receipt of a copy of this order.

WEB COPY

4. The civil miscellaneous petition is disposed of accordingly.

Sd/-  
28/07/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

THE I ADDITIONAL DISTRICT JUDGE, MADURAI.

+1 CC to M/S.D.SRINIVASARAGAVAN, Advocate ( SR-4915[I] dated 29/07/2021 )

+1 CC to M/S.S.SIVA THILAKAR, Advocate (SR-4919[I] dated 29/07/2021 )

ORDER  
IN  
CMP (MD) No.3678 of 2021  
IN  
AS (MD) No.107 of 2021  
Date :28/07/2021

VB/JM/SAR.I/02.08.2021/2P/4C