



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

Thursday, the Thirtieth day of September Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
and
The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.5141 of 2021
IN
AS(MD) No.155 of 2021

S.V.SURESH

... APPELLANT/ DEFENDANT

Vs

M.SHUNMUGA SUNDARA PERUMAL

... RESPONDENT/ PLAINTIFF

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass orders to stay all further proceedings in pursuance of judgment and decree passed in O.S.No.6 of 2019 on the file of the 4th Additional District Court, Tirunelveli, dated 16.03.2021 pending disposal of the Appeal.

Prayer in AS(MD) . 155/ 2021 :

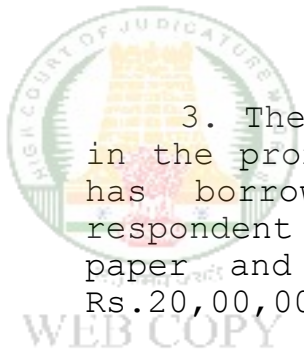
To set aside the judgment and decree in OS No.6 of 2019 on the file of the 4th Additional District Court, Tirunelveli dated 16.03.2021 by allowing this Appeal.

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.M.MASUTTU ALI, Advocate for the petitioner and of Mr.ESSAKKI, Advocate for MR.S.B.KAMALANATHAN, Advocate on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by V. BHARATHIDASAN, J.)

The appeal has been filed by the defendant against the decree for recovery of money.

2. The plaintiff filed a suit for recovery of a sum of Rs.27,17,000/-, on the ground that the appellant / defendant borrowed a sum of Rs.20,00,000/-, on 10.01.2016 and executed the pro-note and thereafter, failed to repay the amount. Hence, the suit.



3. The appellant / defendant even though admitted the signature in the pronote, disputed the consideration on the ground that, he has borrowed only Rs.5,00,000/- from the plaintiff and the respondent / plaintiff, obtained his signature in a blank stamp paper and subsequently, it has been filled up for a sum of Rs.20,00,000/-.

4. However, the trial Court, considering the evidence has decreed the suit, as prayed for. Now challenging the same, the present appeal has been filed. Pending appeal, the appellant / defendant sought for to stay the operation of the Judgment and Decree.

5. Heard the learned counsel appearing for the petitioner and the respondent.

6. It is a suit for recovery of money and it is admitted case of the Appellant / Defendant that he has borrowed only a sum of Rs.5,00,000/-. Considering those circumstances, there shall be an order of interim stay on condition that the petitioner deposits a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) on or before 29.10.2021 to the credit of O.S.No.6 of 2019, on the file of the 4th Additional District Court, Tirunelveli. If the petitioner fails to comply with the condition, the stay granted by this Court will stand automatically vacated without any further reference to this Court. Accordingly, this miscellaneous petition is disposed of.

sd/-

30/09/2021

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/ /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 4th ADDITIONAL DISTRICT COURT,
TIRUENLVELI.

+1 CC to Mr.K.ESAKKI, Advocate (SR-6814[I] dated 01/10/2021)
+2 CC to Mr.M.MASUTTU ALI, Advocate (SR-6858[I] dated 04/10/2021)

ORDER IN

CMP(MD) No.5141 of 2021

IN

AS(MD) No.155 of 2021

Date :30/09/2021

MK/PN/SAR.III/11.10.2021/2P/5C

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