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

Friday, the Twenty Third day of April Two Thousand and Twenty One

PRESENT

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

CMP(MD) No.7462 of 2020
IN
AS(MD) No.215 of 2020

A.VENKATESAN ... PETITIONER/APPELLANT/DEFENDANT

Vs

1 B.NAGALAKSHMI
2 K.B.BALAPRAKASH
3 B.BALAMURUGAN
4 B.KAVITHA
5 A.SENTHILKUMAR ... RESPONDENTS/RESPONDENTS/PLAINTIFFS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Stay all further proceedings in E.P.No.39 of 2020 in O.S.No.9 of 2018 of Principal District Judge and Sessions Judge, (FAC), Theni, till the disposal of the above First Appeal.

Prayer in AS(MD). 215/ 2020 :
To set aside the Judgment and Decree dated 12.03.2020, made in O.S.No.9 of 2018 on the file of the Court of Principal District Judge and Sessions Judge, (FAC) Theni, to dismiss for Specific performance with costs.

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.H.THAYUMANASWAMY, Advocate for the petitioner and of MR.R.MAHESWARAN, Advocate on behalf of the Respondents the court made the following order:-

Vide Order dated 21.04.2021, I had directed the appellant to take a Demand Draft in favour of the plaintiffs and hand over the same in the office of the counsel for the appellant today (23.04.2021) at 10.30 a.m. The learned counsel appearing for the appellant also agreed to do so.

2. When the matter was taken up for hearing, the appellant's counsel stated that the appellant could not come and that the matter was passed over. When the matter was taken up for hearing at 2.15 p.m., it is stated that the appellant is waiting in the bank and

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that he could mobilize a sum of Rs.3,00,000/-. Since the appellant has not acted in terms of the undertaking given before Court on 21.04.2021, I am not in a position to consider the said petition.

3. This civil miscellaneous petition is dismissed.

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sd/-
23/04/2021

/ 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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
(FAC), THENI.

ORDER
IN
CMP(MD) No.7462 of 2020
IN
AS(MD) No.215 of 2020
Date :23/04/2021

PMU
JM/VR/SAR II/29.04.2021/2P/2C

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