



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

Friday, the Eighteenth day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.680 of 2022
IN
AS(MD) No.34 of 2021

MANICKASAMY

... PETITIONER/PETITIONER/
APPELLANT

Vs

PATTURAJU

... RESPONDENT/RESPONDENT/
RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to modify the order dated 20.12.2021 passed in C.M.P(MD).No.1061 of 2021.

Prayer in AS(MD) . 34/ 2021 :

To set aside the Judgment and Decree made in O.S.No.55 of 2017 on the file of the Additional District and Sessions (Fast Track Court), Tenkasi, dated 28.11.2019, and allow this First Appeal.

Prayer in CMP(MD) . 1061/ 2021 in AS(MD) . 34/2021:

To grant an order of interim stay of all further proceedings in O.S.No.55 of 2017 on the file of the Additional District and Sessions Judge (Fast Track Court), Tenkasi, dated 28.11.2019, pending disposal of the above AS(MD)No.34 of 2021.

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 M/S.P.MALINI, Advocate for the petitioner and of Mr.B.SARAVANAN, Advocate on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **R.SUBRAMANIAN., J)**

The petitioner seeks modification of the condition imposed in the interim order of stay granted on 20.12.2021.



2. The Division Bench has imposed a condition directing the petitioner to deposit 50% of the decree amount to the credit of O.S.No.55 of 2017 on the file of the Additional District and Sessions Judge (FTC), Tenkasi. Being a money decree and being a suit based on a cheque, we do not think that such a modification could be permitted. Hence, this petition is dismissed.

sd/-

18/02/2022

/ TRUE COPY /

/ /2022

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FAST TRACK COURT),
TENKASI.

+1. C.C. to M/S.B.SARAVANAN, Advocate SR.No.1359

ORDER

IN

CMP(MD) No.680 of 2022

IN

AS(MD) No.34 of 2021

Date :18/02/2022

SA/PN/SAR.2/22.02.2022/2P/3C