



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

Wednesday, the Thirtieth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CMP (MD) No.3952 of 2020
IN
AS (MD) No.116 of 2020

1 T.KANAGADURAI
2 T.PAATHALAMUTHU

... PETITIONERS/APPELLANTS

Vs

RAJAGOPAL @ THENRAJ

... RESPONDENT/RESPONDENT

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 dated 29.11.2019 passed in O.S.No.60 of 2017 on the file of the 2nd Additional District and Sessions Court, Thoothukudi pending disposal of the Main Appeal suit.

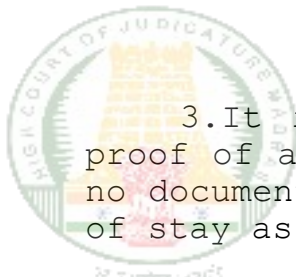
Prayer in AS (MD) . 116/ 2020 :

To set aside the Judgment and Decree dated 29.11.2019 passed in O.S.No.60 of 2017 on the file of the 2nd Additional District Court, Thoothukudi.

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.N.PRAGALATHAN, Advocate for the petitioners and of MR.G.PRABHU RAJADURAI, Advocate on behalf of the Respondent the court made the following order:-

The petitioners / appellants are the defendants in the suit. The respondent / plaintiff filed a suit for specific performance on the basis of a registered sale agreement dated 18.02.2014.

2.The learned trial Judge has granted the alterative relief of refund of the advance amount. Even though, the respondent / plaintiff has not filed any appeal for insisting the relief of specific performance, the petitioners / appellants / defendants have filed the appeal on the ground that they are not liable to pay even the advance money of Rs.10,00,000/- (Rupees Ten Lakhs only).



3.It is seen that the sale agreement is a registered one. In proof of any alleged payment made in discharge of the alleged loan, no document is produced. I do not find any valid reason for granting of stay as prayed by the petitioners / appellants.

4.Hence, this Petition is dismissed.

sd/-

30/03/2022

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

TO

THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-2750[I] dated
31/03/2022)

ORDER

IN

CMP(MD) No.3952 of 2020

IN

AS(MD) No.116 of 2020

Date :30/03/2022

RS/VR/SAR.1 (11.04.2022) 2P-3C