



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

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

WEB COPY

PRESENT

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

CMP(MD) No.10302 of 2018
IN
AS(MD) No.169 of 2018

1 GANESAN
2 MURUGAN

... PETITIONERS/APPELANTS

Vs

A.T.SAMBANTHAM

... 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 and all further proceedings pursuant to the impugned Judgment and decree passed by the Learned District Judge, Sivagangai on 22.11.2016 in O.S.No.59 of 2013 pending disposal of the Appeal suit.

PRAYER IN AS(MD)No.169 of 2018:

Pleased to allow this First Appeal and set aside the Judgment and decree passed by the Learned District Judge Sivagangai on 22.11.2016 in O.S.No.59 of 2013 and dismiss the suit.

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.V.BASKARAN, Advocate for the petitioner and of Mr.J.JEYA KUMARAN, Advocate on behalf of the Respondents the court made the following order:-

The petitioners have filed this application to stay the operation of all further proceedings in pursuance of the judgment and decree passed by the learned District Judge, Sivagangai, on 22.11.2016 in O.S.No.5 of 2013.

2.On 14.11.2019, this Court has passed the following orders:-

There shall be an order of interim stay on condition that the appellants shall deposit 50% of the decretal amount to the credit of the suit within a period of eight weeks from the date of receipt of a copy of this order,



failing which, the interim stay shall stand vacated automatically, without further reference to this Court.

3. Thereafter, the condition was not complied, instead, the petitioners filed the petition to extend the time in CMP(MD) No.2530 of 2020. The said petition was allowed by extending the time till 03.04.2020. However, the petitioners did not make any deposit in compliance of the conditional order within the extended time limit also.

4. Hence, this Civil Miscellaneous petition is dismissed and in view of that, the earlier interim stay granted would get automatically vacated.

sd/-

23/03/2022

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

TO

THE DISTRICT JUDGE,
SIVAGANGAI

+1. C.C. to M/S.J.JEYA KUMARAN, Advocate SR.No.2533

ORDER

IN

CMP(MD) No.10302 of 2018

IN

AS(MD) No.169 of 2018

Date :23/03/2022

SA/PN/SAR.4/28.03.2022/2P/3C