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C.M.P.No. 7738 of 2021 in
A.S. No. 875 of 2019

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to extend the time for complying with conditional order dated 04.03.2020 made in C.M.P.No. 26710 of 2019 in A.S.No.875 of 2019 passed by this court.

2. Mr.S.Mukunth, learned counsel for petitioner/appellant submitted that earlier, this Court by an order dated 04.03.2020 granted interim stay on condition that the petitioner shall deposit 50% of the suit claim to the credit of suit in O.S.No.78 of 2016 on the file of Addl. District Court, Hosur within a period of six weeks. However, due to Covid-19 pandemic, he is not able to comply the order of this court within a stipulated time. Now, he is ready to deposit the amount and filed the above petition praying to extend the time for complying the order.

3. Mr.P.Satheesh Kumar, learned counsel for respondent raised strong objections stating that from the year of 2020, he is not complying the



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condition and dragging on the proceedings. Hence, he prayed to dismiss this petition.

4. Heard both sides.

5. The fact remains that the above suit was filed for recovery of money in O.S.No.78 of 2016 for a claim of Rs.10,00,000/-with interest. The trial court decreed the suit and against which, the appeal was filed contending that the petitioner has not signed in the promissory note and he is having valid defence. Furthermore, he is aged about 62 years and he, being a senior citizen, and retired from service as Librarian, now he is ready to comply the order passed by this court.

6. Considering the facts and circumstances and also considering the reasons stated by the petitioner seems to be justifiable one, this Court is inclined to allow this petition and the petitioner is directed to deposit a sum of Rs.6,00,000/- (Rupees six lakhs only) to the credit of suit in O.S.No.78 of 2016 on the file of Addl. District Court, Hosur within a period of one week from the date of receipt of copy of this order and on such deposit, the



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respondent is permitted to withdraw the amount. Accordingly, the attachment proceedings pending before Executing Court is ordered to be stayed and the interim order of stay already granted by this court on 04.03.2020 is extended till 12.09.2023.

7. Furthermore, both the learned counsels submitted that there is possibility of settlement between the parties. In view of the same, both the appellant and respondent are directed to appear before this Court on 12.09.2023.

8. Post the matter on 12.09.2023.

22.08.2023

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N.B. :- Issue order copy today.



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