



CMP(MD) No.4320 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Fourth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) No.4320 of 2021
in
AS(MD) No.89 of 2021

1 K.NAGARAJAN

2 KALYANI

3 K.JEYASANKAR

K.DINAKARAN (DIED)

4 K.SUGUMARAN

5 KAMATCHI

6 BANUPRIYA

7 VALLI

8 NAGARATHINAM

9 KALA

... PETITIONERS/PETITIONERS/ APPELLANTS

Vs

1 M.JEEVA



CMP(MD) No.4320 of 2021

2 KANNADISAMY

... RESPONDENTS/RESPONDENTS/RESPONDENTS

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Civil Miscellaneous 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 01-04-2021 passed by this Honble Court in CMP(MD).No.3223 of 2021 in AS(MD).No.89 of 2021.

PRAYER IN CMP(MD).3223/2021 :

To grant interim stay of all further proceedings in O.S.No.160 of 2015 on the file of the Hon'ble IV Additional District Court, Madurai pending disposal of the above first appeal.

PRAYER IN AS(MD).89/2021 :

To set aside the judgment and decree in O.S.No.160 of 2015 dated 21.02.2020 passed by the court of the learned IV Additional District Judge, Madurai.

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.M.SEENISULTHAN, Advocate for the petitioner and of MR.S.RAJASEKAR, Advocate on behalf of the 1st Respondent, the court made the following order:-

(Order of the Court was made by DR.ANITA SUMANTH, J.)

The petitioners have sought modification of direction of this Court dated 01.04.2021 in C.M.P.(MD)No.3223 of 2021 in A.S.(MD)No.89 of 2021, where interim stay was granted on condition of deposit of 50% of the decreed amount with proportionate interest and costs.

2.The present petition has been filed within the time granted by the Court for effecting payment. Learned Counsel for the petitioners states that the petitioners are in a position to comply with the payment today and the difficulties faced earlier was on account of financial crunch caused by the pandemic.

<https://www.mhc.tn.gov.in/judis>



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3.Learned Counsel for the respondents has no objection for the grant of the request made by the petitioners.

4.Hence, this petition is allowed. There is a direction to the petitioners to remit 50% of the amount decreed with proportionate interest and costs to the credit of O.S.No.160 of 2015 on the file of the IV Additional District Court, Madurai within a period of two weeks from today.

sd/-
04/08/2023

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04/08/2023

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

cmr

TO

THE IV ADDITIONAL DISTRICT JUDGE, MADURAI.

+2 CC to M/s.M.SEENISULTHAN, Advocate (SR-11867[I] & SR-11853[I] dated 04/08/2023)

ORDER IN
CMP(MD) No.4320 of 2021
in
AS(MD) No.89 of 2021
Date :04/08/2023

RS//SAR-(04.08.2023) 3P 4C
Madurai Bench of Madras High Court is issuing
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