



CMP(MD) No.8630 of 2023

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

Friday, the Twenty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice K.GOVINDARAJAN THILAKAVADI

CMP(MD) No.8630 of 2023

IN

CRP(MD) No.1375 of 2023

R.VASANTHA

... PETITIONER/PETITIONER/PETITIONER

Vs

RAMAKRISHNAN

... RESPONDENT/RESPONDENT/RESPONDENT

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 15.06.2023 passed by this Honourable Court in C.M.P.(MD). No. 6827 of 2023 in C.R.P.(MD). No. 1375 of 2023 to the extent of permitting the petitioner to deposit the plaint mentioned sale advance amount alone on the file of Additional Sub Judge, Dindigul within the time stipulated by this Honourable Court and thus render justice.

Prayer in CRP(MD). 1375/ 2023 :

Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set



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aside the fair and decreetal order dated 22-02-2023 passed in I.A.No.2 of 2022 in O.S.No.98 of 2018 on the file of Additional Subordinate Judge, Dindigul by allowing the civil revision petition and thus render justice.

ORDER : This Civil Miscellaneous 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.K.R.BADURUS ZAMAN, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

This petition is preferred to modify the order dated 15.06.2023 passed by this Court in CMP(MD)No.6827 of 2023 in CRP(MD)No.1375 of 2023, in which, there was a conditional order passed by this Court directing the petitioner to deposit a sum of Rs.3,30,000/- to the credit of the suit within a period of four weeks from the date of receipt of a copy of the order. In the said order, it is further stated that if the petitioner fails to pay the amount within such time, the interim order shall stand vacated automatically.

2. The petitioner filed the above petition to modify the said order dated 15.06.2023 stating that he is unable to arrange the said amount, since it is very huge and now, the petitioner is ready to deposit a sum of Rs.1,50,000/- received as sale advance amount under the suit sale agreement and therefore, he prays for modifying the order, dated 15.06.2023.



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3. Considering the representation made by the learned counsel for the petitioner and in the interest of justice, this petition is allowed and the petitioner is directed to deposit a sum of Rs.1,50,000/- to the credit of the suit in O.S.No.98 of 2018 on the file of the Additional Sub Court, Dindigul, within a period of six weeks. Interim order already granted is extended till then. In case, the petitioner fails to pay the amount within such time, the interim stay shall stand vacated automatically.

sd/-
21/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP
TO

THE ADDITIONAL SUBORDINATE JUDGE,
DINDIGUL.

+1. C.C. to M/S.K.R.BADURUS ZAMAN Advocate SR.No.11110

ORDER IN
CMP(MD) No.8630 of 2023
IN
CRP(MD) No.1375 of 2023
Date :21/07/2023

SA/BUC/SAR.4/10.08.2023/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.