



CMP(MD) No.6632 of 2023

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

Wednesday, the Fourth day of October Two Thousand and Twenty Three

PRESENT
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD) No.6632 of 2023
IN
AS(MD) No.105 of 2023

(*)1 CHINNASAMY (DIED) ...PETITIONER/ APPELLANT

2 ARIYAMALA

3 DHANALAKSHMI

4 AMUTHA ...PETITIONERS 2 to 4

(PETITIONERS 2 TO 4 ARE BROUGHT ON
RECORD AS LRS OF THE DECEASED SOLE
PETITIONER VIDE COURT ORDER DATED
24.03.2023 MADE IN CMP(MD)Nos.12508 TO
12510 OF 2022 IN AS(MD)SR.No. 81490 OF 2019
BY NSKJ)

Vs

1 C. CHANDRASEKARAN

2 C.JEYAKUMAR ... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of interim stay of all further proceedings pursuant to the impugned judgment and decree passed in O.S.No.98 of 2017 dated 29-04-2019 on the file of the learned Principal District Judge, Tiruchirappalli, pending disposal of the above first appeal.



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Prayer in AS(MD). 105/ 2023 :

Appeal Suit filed under Section 96 of Civil Procedure Code, to set aside the decree and judgment made in O.S.No.98 of 2017 dated 29-04-2019 on the file of the learned Principal District Judge, Tiruchirappalli and allow the appeal suit with cost .

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.S.KARTHIK, Advocate for the petitioners and of MR.S.VINOD SATHYA LAZAR, Advocate on behalf of the Respondents, the court made the following order:-

This Court has passed an order of interim stay on 31.07.2023 on condition that the petitioners shall deposit 50% of the decretal amount on or before 30.08.2023. Thereafter, the matter was posted on 31.08.2023, for reporting compliance. Further, the matter was listed on 04.09.2023. On 04.09.2023, the learned counsel appearing for the petitioners would submit that an extension application has been filed, seeking time for payment of the said amount and this Court directed to take the petition on file. Thereafter, the matter was posted on 08.09.2023. Further, the learned counsel appearing for the petitioners would submit that they have filed an extension petition seeking time. Then, the extension application has been filed and listed on 12.09.2023. On that day, the said application was allowed. Hence, the matter was posted on 04.10.2023. They sought time for depositing the amount.



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2. I am of the considered opinion that this Court has given sufficient time to the petitioners to make the payment of 50% of the decretal amount as decreed by the trial Court. In view of the same, the order of interim stay granted on 31.07.2023 in C.M.P.(MD).No. 6632 of 2023 is vacated.

3. Post the main appeal on 30.10.2023, for arguments.

sd/-
04/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SML

TO

THE PRINCIPAL DISTRICT JUDGE
TRICHIRAPPALLI

ORDER
IN
CMP(MD) No.6632 of 2023
IN
AS(MD) No.105 of 2023
Date :04/10/2023

RK/DD (09/10/2023) 3P / 2C

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