



CMP(MD) No.11870 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Tuesday, the Twelfth day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CMP(MD) No.11870 of 2023
IN
AS(MD) No.105 of 2023

1 CHINNASAMY (DIED) ... Sole Appellant in A.S
2 ARIYAMALA
3 DHANALAKSHMI
4 AMUTHA ... Petitioners / Petitioners / Appellants

Vs

1 C. CHANDRASEKARAN
2 C. JEYAKUMAR ... Respondents / 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 grant an order of extension of time for the period of 8 weeks to the petitioner to comply the interim order dated on 31.07.2023 made in CMP(MD). No. 6632 of 2023 in A.S. (MD). No. 105 of 2023, on the Honourable High Court Madurai Bench.

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:-



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The Civil Miscellaneous Petition has been filed seeking orders to extend the time for complying with the interim order passed in CMP(MD) No.6632 of 2023 in A.S(MD)No.105 of 2023, dated 31.07.2023, wherein the petitioners were directed to deposit 50% of the decretal amount on or before 30.08.2023.

2.The learned counsel for the petitioners would submit that they were not in a position to comply with the earlier order of this Court, dated 31.07.2023 within the time stipulated and therefore, he seeks extension of time.

3. Heard the learned counsel for the petitioners as well as the learned counsel for the respondents.

4.Considering the facts and circumstances of the case and also the reasons assigned, this Court is inclined to grant time till 03.10.2023. The petitioners are directed to deposit the amount within the time stipulated by this Court, failing which, the interim stay already granted, shall stand vacated automatically.

5. This petition is ordered accordingly.

6. Registry is directed to list the appeal suit on 04.10.2023.

sd/-
12/09/2023

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/09/2023

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



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The Principal District Judge,
Tiruchirappalli.

+1 CC to M/s.S.KARTHIK, Advocate (SR-13498[I] dated 12/09/2023)

ORDER

IN

CMP(MD) No.11870 of 2023

IN

AS(MD) No.105 of 2023

Date :12/09/2023

ED/JGB/SAR- (14/09/2023) 3P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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