



C.M.P.Nos.17760 of 2023 and 1113 of 2024
and
C.M.P.No.4811 of 2024 in C.M.P.No.1113 of 2024
in
A.S.No.528 of 2023

P.T.ASHA, J.,

By an order dated 25.08.2023 in the above C.M.P.No.17760 of 2023, this Court was pleased to grant an order of unconditional interim stay. Thereafter, the respondent on entering appearance had filed a vacate stay petition in C.M.P.No.1113 of 2024 to vacate the interim stay granted.

2. After hearing the counsel, the Court had passed conditional order dated 30.01.2024 by directing the defendant/appellant to pay 50% of the amount i.e. a sum of Rs.7,50,000/- to the plaintiff on or before 28.02.2024, failing which the interim stay already granted was to stand automatically vacated.

3 It appears that the appellant/petitioner had filed a petition in C.M.P.No.4811 of 2024 to modify the condition imposed by this Court in C.M.P.No.1113 of 2024 in A.S.No.528 of 2023 vide order dated 30.01.2024 as to deposit the 50% of the amount i.e; Rs.7,50,000/- before the learned II Additional District Court, Thiruchengode in O.S.No.320 of 2019, instead of paying to the respondent/plaintiff.



4. By order dated 29.02.2024, the learned Judge had modified the order passed in CMP.No.1113 of 2024 dated 30.01.2024 as follows:-

“6. In the absence of worthwhile in the cross examination, trial Court has rightly come to the conclusion that evidence of PW3 is reliable and hence I am of the considered view that interim stay granted by this Court has to be modified to the effect that the appellant/defendant shall pay 50% of the amount, i.e., Rs.7,50,000/- (Rs.15,00,000 x 50%) to the credit of O.S.No.320 of 2019 on the file of the II Additional District Court, Thiruchengode, on or before 01.04.2024, failing which the interim stay granted by this Court shall stand automatically vacated.

5. The said order has been complied with and a copy of the challan showing the deposit has also been filed on 02.04.2024 and the same was brought to the notice of this Court today. This order has been passed in C.M.P.No.1113 of 2024 itself, therefore no further orders require in C.M.P.No.4811 of 2024 in C.M.P.No.1113 of 2024 as the condition has already been modified.

6. Considering the fact that the conditional order has been passed after hearing both sides and the same having been complied with, the interim stay already granted by this Court on 19.11.2021 in C.M.P.No.17760 of 2023 is made absolute.



7. Therefore, C.M.P.No.17760 of 2023 is allowed. Consequently, C.M.P.No.1113 of 2024 is dismissed and C.M.P.No.4811 of 2024 is closed.

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03.04.2024



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