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C.M.P.No.27472 of 2023

C.M.P.No.27472 of 2023
in
Appeal(CAD)No.30 of 2023

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR. J.,]

Captioned main appeal is directed against a judgment and decree dated 06.04.2023 made in C.O.S.No.1381 of 2022 on the file of Commercial Court, Chennai. This '06.04.2023 judgment and decree' shall hereinafter be referred to as 'impugned decree' for the sake of convenience and clarity.

2. First defendant in the trial Court i.e., Commercial Court, who has suffered a money decree is on appeal vide captioned main appeal and in the captioned CMP, Hon'ble predecessor Bench passed an order dated 02.02.2024 which reads as follows:

'C.M.P.No.27472 of 2023
in
Appeal(CAD)No.30 of 2023

R.SUBRAMANIAN,J.,
and
R.SAKTHIVEL, J.



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There will be interim stay, on condition, the appellant deposits a sum of Rs.30,00,000/- within a period of eight weeks from the date of receipt of a copy of this order. Failing which, the stay will stand automatically vacated.

2. Mr.M.Murugesan is on caveat for the 1st respondent.

3. Notice to the other respondents returnable by four weeks.

Private notice is also permitted.'

3. Today, Mr.K.Thilageswaran, learned counsel on record for petitioner / appellant and Mr.M.Murugesan along with P.Arunkumar, counsel for first respondent / plaintiff is before us. To be noted, in and by an order dated 22.11.2023 Hon'ble predecessor Division Bench has dispensed with notice to R2 and R3.

4. Adverting to aforementioned 02.02.2024 order, learned counsel for petitioner / appellant very fairly submits that Rs.30 Lakhs has not been deposited until this day and that eight weeks time elapsed on 03.04.2024. To be noted, eight weeks is computed from 07.02.2024 being the date on which the aforementioned 02.02.2024 order was uploaded in the official website which is watermarked and QR coded and which is the same as certified copy.

5. In the aforementioned 02.02.2024 order, Hon'ble predecessor



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Division Bench has made it clear that the stay will stand automatically vacated if Rs.30 Lakhs is not deposited within eight weeks. As eight weeks time elapsed on 03.04.2024 and as admittedly, Rs.30 Lakhs has not been deposited until this day, the stay granted in C.M.P.No.27472 of 2023 in Appeal(CAD)No.30 of 2023 stands vacated and consequently, captioned C.M.P.No.27472 of 2023 in Appeal(CAD)No.30 of 2023 is dismissed. There shall be no order as to costs.

[M.S., J] [K.G.T., J]
29.04.2024

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P.S. I: *Upload forthwith*

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,



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C.M.P.No.27472 of 2023

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C.M.P.No.27472 of 2023
in
Appeal(CAD)No.30 of 2023

29.04.2024
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