



C.M.P. No.2626 of 2024
in A.S.No.76 of 2024

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**M.SUNDAR,J.,
and**

K.GOVINDARAJAN THILAKAVADI, J.,

(Order of the Court was made by M.SUNDAR, J.)

This order will now dispose of captioned 'Civil Miscellaneous Petition' (hereinafter 'CMP' for the sake of brevity).

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listings on 20.02.2024, 28.02.2024 and 13.03.2024, which read as follows:

PROCEEDINGS DATED 20.02.2024:

'A money suit judgment and decree dated 21.09.2012 in O.S.6792 of 2019 on the file of I Additional Judge's Court, City Civil Court, Chennai {originally numbered as C.S.No.730 of 2011 [CNR No.TNCH01-029915-2019]} on the file of this Court and subsequently transferred to City Civil court, Chennai, owing to change in pecuniary jurisdiction has been assailed by appellant (sole defendant in the suit) in the captioned main Appeal. 'I Additional Judge's Court, City Civil Court, Chennai' shall hereinafter be referred to as 'said trial Court' and the aforementioned '21.09.2022 judgment and decree' shall be referred to as 'impugned judgment' for the sake of convenience and clarity.



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2. Captioned 'Civil Miscellaneous Petition' [hereinafter 'CMP' for the sake of convenience and clarity] has been filed by the petitioner / appellant seeking interim stay qua operation of the impugned judgment.

3. We find that the money decree says that 24% interest per annum for pendente lite period and 6% interest per annum for post decree period is payable.

4. However, Mr.Rahul Balaji, learned counsel on record for petitioner / appellant submits that 24% pre-suit interest also has been awarded.

5. To be noted, suit transaction pertains to hire of cine equipment for outdoor shooting.

6. Issue notice to sole respondent, who is lone plaintiff in the said trial Court.

7. Mr.E.Hariharan (Enrol.No.2222/2020) with address for service at No.14, Raman Street, T.Nagar, Chennai-600 017, who is before this Court accepts notice for lone respondent and requests for one week time to file counter affidavit and bring it on board after favoring counsel for petitioner / appellant with a advance copy. Request acceded to.

List after a week. List on 28.02.2024.'

PROCEEDINGS DATED 28.02.2024:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 20.02.2024.

2. Today, Mr.M.Kempuraj, learned counsel representing the counsel on record for petitioner/appellant and



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Mr.E.Hariharan, learned counsel for lone respondent are before us.

3. Both sides submit that the possibility of settlement is being explored and request for listing two weeks hence. Request acceded to.

4. List under the cause list caption 'FOR REPORTING SETTLEMENT' a fortnight hence.

5. List on 13.03.2024.'

PROCEEDINGS DATED 13.03.2024:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 28.02.2024.

2. Today, Mr.Rahul Balaji, learned counsel along with Mr.M.Kempuraj, counsel on record for petitioner/appellant is before us and learned counsel is ready. Adverting to earlier proceedings, learned counsel submits that no settlement could be arrived at and the matter has to be heard out on merits.

3. Mr.M.Karthik, learned counsel representing Mr.E.Hariharan, learned counsel on record for respondent submits that senior counsel Mr.P.L.Narayanan is appearing in the matter and requests for a short accommodation. Request acceded to.

4. List on Monday. List on 18.03.2024.'

To be noted, thereafter there was one listing on 18.03.2024 and the matter was re-notified.



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3. The aforementioned proceedings made in the previous

listings are tell-tale qua facts of the case that are imperative for appreciating this order as well as the trajectory the matter has taken thus far and therefore we are not setting out the same again in this order. Suffice to say that the aforementioned earlier proceedings made in the previous listings shall be read as an integral part and parcel of this order.

4. The proceedings thus far make it clear that we are concerned with a regular first appeal under Section 96 of 'The Code of Civil Procedure, 1908 (5 of 1908)' [hereinafter 'CPC' for the sake of convenience and clarity] as against the money decree.

5. Today, Mr.Rahul Balaji along with Mr.M.Kempuraj, learned counsel for petitioner/appellant and Mr.P.L.Narayanan, learned senior counsel instructed by Mr.E.Hariharan, learned counsel on record for respondent/respondent are before us.

6. Going by the memo of valuation, value of the appeal is Rs.1,50,09,707/-.



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7. Applying the normal thumb rule as regards money decrees, considering the facts and circumstances of the case and the manner in which the parties are circumstanced, we find that this is a fit case to say that there will be an order of interim stay as sought for in captioned CMP subject to the deposit of 50% condition. In the case on hand, for convenience, we take the aforementioned value as Rs.1.5 crores by rounding off the same to the nearest lower figure.

8. There shall be an order of interim stay as prayed for in the captioned CMP subject to petitioner/appellant paying Rs.35,00,000/- (Rupees Thirty Five Lakhs only) to the respondent/respondent within six weeks from today i.e., on or before 01.05.2024 and thereafter depositing Rs.40,00,000/- (Rupees Forty Lakhs only) to the credit of the captioned appeal in this Court within another six weeks therefrom i.e., on or before 12.06.2024. Registry of this Court to ensure that the deposit of Rs.40,00,000/- as and when received in such a manner is kept in an interest bearing fixed deposit in the Indian Bank, High Court Branch, Chennai.

9. If any one i.e., if either of/both aforementioned conditions are not complied or are not complied within the time frames set out



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supra, captioned CMP will stand dismissed without further reference
to this Court.

10. Captioned CMP is disposed of in the aforesaid manner.

There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)

20.03.2024

(1/2)

mmi

P.S. I: *Upload forthwith*

P.S.II : *All concerned including the I Additional Judge, City Civil Court, Chennai to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR Coded.*



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20.03.2024