



CMP(MD) No.14011 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Monday, the Twenty Second day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and

The Hon`ble Mr.Justice C. KUMARAPPAN
CMP(MD) No.14011 of 2023

IN
AS(MD) No.254 of 2023

S.RAJENDRAN

... PETITIONER/ APPELLANT

Vs

V.PALANIAPPAN

... RESPONDENT/RESPONDENT

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Stay the operation of and all further proceedings pursuant to the impugned judgment and decree dated 19.12.2022 in OS No.82 of 2020 on the file of the learned Additional District Court, Sivagangai pending the above First Appeal.

PRAYER IN AS(MD)No. 254 of 2023:

First Appeal filed under Section 96 of Civil Procedure Code, to set aside the judgment and decree dated 19.12.2022 in OS No.82 of 2020 on the file of the learned Additional District Court, Sivagangai.

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. VR.SHANMUGANATHAN, Advocate for the petitioner and of MR.P.RAJAGOPALAN, Advocate for the Respondent, the court made the following order:-

Against the money decree, the defendant had preferred the appeal suit. Along with the appeal suit, he has also sought for stay of operation of the decree.



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2. This Court in C.M.P(MD)No.14011 of 2023, granted conditional stay on 16.10.2023, directing the petitioner/appellant to deposit a sum of Rs.15 lakhs along with interest within a period of four weeks from the date of receipt of the order copy. The petitioner/appellant failed to comply the condition, and when the matter was taken up for hearing on 13.12.2023, sought for further time to comply the condition. In the earlier occasion, this Court taking into consideration of the plea, had extended the time and directed the petitioner/appellant to deposit the money on or before 19.01.2024.

3. Today when the matter is taken up to record compliance of the condition, it is reported that the petitioner/appellant has not complied the condition. Since the condition is not complied, the petitioner becomes not entitled for the stay of the operation of the decree. Hence, C.M.P(MD)No.14011 of 2023, stands dismissed for not complying the condition.

sd/-
22/01/2024

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/02/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PM



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TO
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THE ADDITIONAL DISTRICT JUDGE
SIVAGANGAI.

ORDER
IN
CMP(MD) No.14011 of 2023
IN
AS(MD) No.254 of 2023
Date :22/01/2024

RS/JGB/SAR-(01.02.2024) 3P 2C
Madurai Bench of Madras High Court is issuing
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